

Exhibit A: Volume 2

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 25-CV-2016-900001.00
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IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA
MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT

NOTICE TO: JEFFREY HUNTER WHITLOCK, 1707 HIGHWAY 31 SOUTH, SAGINAW, AL 35137

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), KENDALL A. LEE

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: POST OFFICE BOX 661228, BIRMINGHAM, AL 35266

[Address(es) of Plaintiff(s) or Attorney(s)]

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☒ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☐ Service by certified mail of this Summons is initiated upon the written request of _____

[Name(s)]

10/22/2018 10:10:10 AM /s/ LISA MCSWAIN By: _____

(Date)
(Signature of Clerk)
(Name)

☐ Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____

(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____

(Name of Person Served)
in _____ County,

Alabama on _____
(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)



ELECTRONICALLY FILED
10/22/2018 2:10 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

State of Alabama
Unified Judicial System
Form C-34 Rev. 4/2017

SUMMONS
- CIVIL -

C
25-CV-2016-900001.00

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA
MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT

NOTICE TO: JEFFREY HUNTER WHITLOCK, 1707 HIGHWAY 31 SOUTH, SAGINAW, AL 35137

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), KENDALL A. LEE

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: POST OFFICE BOX 681228, BIRMINGHAM, AL 35266

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☒ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☐ Service by certified mail of this Summons is initiated upon the written request of

(Name(s))

10/22/2018 10:10:10 AM

(Date)

/s/ LISA MCSWAIN

(Signature of Clerk)

By:

(Name)

☐ Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on

(Date)

☒ I certify that I personally delivered a copy of this Summons and Complaint or other document to

JEFFREY HUNTER WHITLOCK

(Name of Person Served)

in SEGLBY

(Name of County)

County,

Alabama on 10-22-18

(Date)

Special Process Server

(Type of Process Server)

Stephen Kelly

(Server's Signature)

Stephen Kelly

(Server's Printed Name)

600 Vestavia Parkway, Ste 200

(Address of Server)

Birmingham, AL 35216

205-326-6600

(Phone Number of Server)

25-CV-2016-900001.00

MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT

C001 - ALBINA AGDASOVNA SHARIFULLINA, DECEASED v.

MARINA STE

(Plaintiff)

D003 - JEFFREY HUNTER WHITLOCK

(Defendant)



SERVICE RETURN COPY

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,
As Administrator and Personal
Representative of the ESTATE OF
ALBINA AGDASOVNA
SHARFIFULLINA, deceased,

Plaintiff,

V.

DANIEL B. SNYDER, *et al.*

Defendant.

Civil Action No.: CV 2016-900001

ANSWER

COMES NOW, the Defendant, Jeffrey Hunter Whitlock, and for Answer to the Plaintiff's First Amended Complaint, and to each count and paragraph thereof, sets forth and assigns the following separate and several defenses:

FIRST DEFENSE

The Plaintiff's First Amended Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

This Defendant denies each and every material averment of the Plaintiff's First Amended Complaint and demands strict proof thereof.

THIRD DEFENSE

With respect to each and every material averment of the Plaintiff's First Amended Complaint, this Defendant pleads not guilty.

FOURTH DEFENSE

This Defendant denies he acted negligently as alleged in the Plaintiff's First Amended Complaint and denies any alleged negligence on his part proximately caused or contributed to cause the Plaintiff's injuries and/or damages.

FIFTH DEFENSE

This Defendant denied he acted recklessly and/or wantonly as alleged in the Plaintiff's First Amended Complaint and denies that any alleged recklessness and/or wantonness on his part proximately caused or contributed to cause the Plaintiff's injuries and/or damages.

SIXTH DEFENSE

This Defendant denies there is any causal relationship between any of his alleged actions and/or conduct and the injuries and/or damages allegedly sustained by the Plaintiff.

SEVENTH DEFENSE

This Defendant denies that he breached any alleged duty owed to the Plaintiff and demands strict proof thereof.

EIGHTH DEFENSE

This Defendant pleads assumption of the risk as a defense.

NINTH DEFENSE

This Defendant pleads contributory negligence as a defense.

TENTH DEFENSE

This Defendant alleges that if the Plaintiff suffered any damages, the damages were caused in whole, or in part, by the efficient intervening and/or superseding acts or omissions of third parties for whom this Defendant should not be held responsible.

ELEVENTH DEFENSE

This Defendant pleads the general issue as a defense.

TWELFTH DEFENSE

This Defendant pleads voluntary intoxication (APJI 3d 30.02) as a defense.

THIRTEENTH DEFENSE

This Defendant pleads estoppel, waiver and laches as defenses.

FOURTEENTH DEFENSE

This Defendant pleads lack of service of process as a defense.

FIFTEENTH DEFENSE

This Defendant pleads insufficient service of process as a defense.

SIXTEENTH DEFENSE

This Defendant pleads improper venue as a defense.

SEVENTEENTH DEFENSE

This Defendant pleads the applicable statute of limitations as a defense.

EIGHTEENTH DEFENSE

This Defendant denies the Plaintiff was injured and/or damaged to the nature and extent claimed and contests damages.

NINETEENTH DEFENSE

This Defendant says the Plaintiff has failed to mitigate her alleged damages.

TWENTIETH DEFENSE

This Defendant says that an award of punitive damages to the Plaintiff in this case would be violative of the constitutional safeguards provided to Defendants under the Constitution of the State of Alabama.

TWENTY-FIRST DEFENSE

This Defendant says that any award of punitive damages to the Plaintiff in this case would be violative of the constitutional safeguards provided to Defendants under the Constitution of the State of Alabama.

TWENTY-SECOND DEFENSE

This Defendant says that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to Defendants under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, in that punitive damages are vague and are not rationally related to legitimate government interests.

TWENTY-THIRD DEFENSE

This Defendant says that any award of punitive damages to the Plaintiff in this case will be violative of Article I, Section 6 of the Constitution of the State of Alabama, which provides that no person shall be deprived of life, liberty, or property except by due process of law, in that punitive damages are vague and are not rationally related to legitimate government interests.

TWENTY-FOURTH DEFENSE

This Defendant says that any award of punitive damages to the Plaintiff in this case will be violative of the procedural safeguards provided to Defendants under the Sixth Amendment to the Constitution of the United States, in that punitive damages are penal in nature and consequently, Defendant is entitled to the same procedural safeguards accorded to criminal Defendants.

TWENTY-FIFTH DEFENSE

It is violative of the self-incrimination clause of the Fifth Amendment to the Constitution of the United States of America to impose against this Defendant punitive damages, which are

penal in nature, yet compel Defendant to disclose potentially incriminating documents and evidence.

TWENTY-SIXTH DEFENSE

It is violative of the self-incrimination clause of Article I, Section 6 of the Constitution of the State of Alabama to impose against this Defendant punitive damages which are penal in nature, yet compel Defendant to disclose potentially incriminating documents and evidence.

TWENTY-SEVENTH DEFENSE

It is violative of the rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alabama to impose punitive damages against this Defendant which are penal in nature by requiring a burden of proof on the Plaintiff, which is less than the “beyond a reasonable doubt” burden of proof required in criminal cases.

TWENTY-EIGHTH DEFENSE

This Defendant says that any award of punitive damages to the Plaintiff in this case will be violative of the Eighth Amendment to the Constitution of the United States in that said damages would be an excessive fine in violation of the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

TWENTY-NINTH DEFENSE

This Defendant says that any award of punitive damages to the Plaintiff in this case will be violative of the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States in that it would provide damages to the Plaintiff in excess of the amount determined to be appropriate under the formula adopted by the Alabama Legislature in 1981 in Section 27-1-17, Code of Alabama 1975, as amended.

THIRTIETH DEFENSE

This Defendant asserts any and all applicable statutory caps or limitations to any claim for punitive damages, including but not limited to, Section 6-11-21, Code of Alabama 1975, as amended.

/s/ David R. Wells

DAVID R. WELLS (WEL016)

Attorney for the Defendant,
Jeffrey Hunter Whitlock

OF COUNSEL:

MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203
(205) 639-5300
(205) 639-5350 *facsimile*
dwells@wmslawfirm.com

**DEFENDANT JEFFREY HUNTER WHITLOCK
DEMANDS TRIAL BY STRUCK JURY**

/s/ David R. Wells

OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I have served a complete copy of the foregoing instrument upon the following attorney of record via the electronic ALAFILE system, on this 30th day of October, 2018.

Mark W. Lee
Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway
Suite 300
Birmingham, AL 35216
(205) 326-6600
mlee@pljpc.com
klee@pljpc.com

Daniel S. Wolter
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive
Suite 100
Birmingham, AL 35223
dwolter@wolterlawfirm.com

/s/ David R. Wells
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE, WHO
SUES AS ADMINISTRATOR AND
PERSONAL REPRESENTATIVE OF
THE ESTATE OF ALBINA
AGDASOVNA SHARIFULLINA,
DECEASED

Plaintiff

v.

DANIEL B. SNYDER, ET AL.

Defendant

CIVIL ACTION CV 2016-900001

NOTICE OF POTENTIAL CONFLICT

COMES NOW the plaintiff, by and through her attorney, Mark W. Lee, and gives notice of a potential conflict on the hearing for motion for summary judgment. For grounds therefore your movant sets forth the following:

1. For that the undersigned is scheduled to be in trial in Marshall County beginning November 13, 2018.
2. It is anticipated that the case in Marshall County will be finished in time for the hearing on summary judgment scheduled for November 16. However, because this is a jury trial in Marshall County, the potential of an overrun is always possible.

WHEREFORE, PREMISES CONSIDERED, the plaintiff respectfully gives notice to the Court and counsel of the potential conflict of the hearing on motion for summary judgment for November 16, 20018.

s/Mark W. Lee
Mark W. Lee
Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway
Suite 300, Shelby Building
[P.O. Box 661228 35266-1228]
Birmingham, AL 35216
(205) 326-6600

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 30th day of October , 2018, electronically filed the foregoing with the Clerk of the Court using the AlaFile E-system which will send notification of such filing to the following:

Daniel S. Wolter
Daniel Wolter Law Firm, LLC
402 Office Park Drive, Suite 100
Birmingham, AL 35223

s/Mark W. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)
))
Plaintiff,)
))
v.)
))
DANIEL B. SNYDER, et al.,)
))
Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**PLAINTIFF'S MOTION FOR LEAVE TO FILE MEDICAL RECORDS
AND PHOTOGRAPHS UNDER SEAL IN RESPONSE TO DEFENDANT
DANIEL B. SNYDER'S MOTION FOR SUMMARY JUDGMENT**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, and respectfully moves this Honorable Court for an Order allowing the Plaintiff to file certain medical records and unclothed photographs under seal as exhibits in support of Plaintiff's Opposition to Defendant Daniel B. Snyder's Motion for Summary Judgment (Doc. 158). As grounds for said Motion, Plaintiff submits the following:

1. The Plaintiff has prepared, and intends to file, a response in opposition to the summary judgment motion (Doc. 158) filed by Defendant Daniel B. Snyder ("Snyder") in this case. The exhibits to be submitted in opposition to summary judgment include, *inter alia*, Snyder's post-accident medical records from Huntsville Hospital, an autopsy photograph of the Plaintiff's decedent, and certain unclothed photographs taken of Snyder on July 8, 2014 by a forensic photographer employed by the Decatur Police

Department. In the interest of protecting the privacy of the parties while allowing the Court to evaluate all of the facts relevant to this case, the Court should permit those records and photographs to be filed under seal.

3. Based on the foregoing, Plaintiff respectfully requests this Honorable Court to enter an Order allowing the Plaintiff to file the medical records and photographs identified above under seal as exhibits in opposition to summary judgment.

Respectfully submitted this 31st day of October, 2018.

/s/ Kendall A. Lee

Mark W. Lee (LEE003)

Kendall A. Lee (LEE091)

Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 31st day of October, 2018, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

Daniel S. Wolter, Esq.
Daniel Wolter Law Firm, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

David R. Wells, Esq.
Whitaker, Mudd, Luke & Wells, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

/s/ Kendall A. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA	AGDASOVNA	
SHARIFULLINA, DECEASED MARINA)		
STE,		
Plaintiff,)	
)	
V.)	Case No.: CV-2016-900001.00
)	
SNYDER DANIEL B.,)	
WHITLOCK JEFFREY HOWARD,)	
WHITLOCK JEFFREY HUNTER,)	
Defendants.)	

ORDER

LEAVE TO FILE RECORDS AND PHOTOGRAPHS UNDER SEAL filed by ALBINA AGDASOVNA SHARIFULLINA, DECEASED MARINA STE is hereby GRANTED IN PART. The Clerk shall designate such records as "**confidential**" so that counsel may access same without public access being allowed. Any party utilizing filings which are designated "confidential" shall safeguard same from disbursal to non-parties or non-expert third persons and shall destroy any copies thereof at the close of the instant litigation.

DONE this 2nd day of November, 2018.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

**NOTICE OF FILING APPLICATION AND AFFIDAVIT FOR SEARCH
WARRANT EXECUTED BY TROOPER JOHN WILLIAMS AND SEARCH
WARRANT ISSUED BY THE CIRCUIT COURT OF MORGAN COUNTY**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, and gives notice of filing the following documents:

- (1) Application and Affidavit for Search Warrant executed by Trooper John Williams on July 8, 2014; and
- (2) Search Warrant issued by the Circuit Court of Morgan County on July 8, 2014.

The search warrant obtained by Trooper Williams is referenced in paragraph 13 of his affidavit (Doc. 216) filed in Opposition to Defendant Daniel B. Snyder's Motion for Summary Judgment.

Respectfully submitted this 15th day of November, 2018.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
Kendall A. Lee (LEE091)
Attorneys for Plaintiff

OF COUNSEL:**PARSONS, LEE & JULIANO, P.C.**

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.comklee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 15th day of November, 2018, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

Daniel S. Wolter, Esq.

Daniel Wolter Law Firm, LLC

402 Office Park Drive, Suite 100

Birmingham, Alabama 35223

dwolter@wolterlawfirm.com

David R. Wells, Esq.

Whitaker, Mudd, Luke & Wells, LLC2011 4th Avenue North

Birmingham, Alabama 35203

dwells@wmslawfirm.com

/s/ Mark W. Lee

OF COUNSEL



IN THE DISTRICT COURT OF MORGAN COUNTY, ALABAMA

STATE OF ALABAMA,

*

PLAINTIFF,

*

VS.

*

DANIEL BENJAMIN SNYDER,
A WHITE MALE, DOB: [REDACTED]
84 BLUE SKY DRIVE,
LACY SPRINGS, AL

*

*

*

DEFENDANT.

*

2014 JUL 10 PM 3:53
CHRIS PRIEST
CLERK OF DISTRICT COURT
MORGAN COUNTY, ALABAMA

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

Before me, the undersigned authority, personally appeared John Williams, who being by me first duly sworn, deposes and says as follows:

My name is John Williams. I am an Investigator with the Alabama Marine Police and have been in law enforcement for the past 7 years.

I have probable cause to believe that photographs and/or digital images of the unclothed body of Daniel Benjamin Snyder, a white male, date of birth [REDACTED] for evidence of or injuries, bruising and/or markings consistent with and constitutes, or is expected to constitute evidence consistent with driving and/or operating and/or control of a personal watercraft involving the above named Daniel Benjamin Snyder, which constitutes or is expected to constitute evidence of a criminal offense under the laws of the State of Alabama, to-wit: Criminally Negligent Homicide and/or Homicide by Vessel and/or Manslaughter and/or Boating Under the Influence and/or Operating without Vessel License

My belief is based on the following facts:

On July 6, 2014, at approximately 12:35 a.m., I John Williams, was dispatched to a watercraft collision that had occurred at a given location of dock address 1497 County Road 855, Crane Hill, Alabama, in Cullman County Alabama. The collision had involved two individuals, a white male identified as Daniel Benjamin Snyder and a white female identified as Albina Agdasovna Sharifullina.

Upon arrival on scene, I ascertained that Daniel Benjamin Snyder had sustained serious injuries and had been air lifted from the scene to Huntsville Hospital for treatment. The female Albina Sharifullina was laying on the dock ramp floatation. Paramedics still on scene informed me she was deceased and based upon their training and experience it was due to the collision. I began an investigation to determine if any other persons were involved in the collision and made

a determination that there was not. As part of the investigation, I located a wrecked jet ski watercraft that was tied to the dock located at 1497 County Road 855, I observed the jet ski watercraft on scene and identified holes in the hull and the lanyard for the emergency shut off device still intact and tied to the watercraft. As part of the investigation, I observed the damage to the dock that would be consistent with a collision involving that type of watercraft. Also on the dock, I observed what I believed to be blood and remains of human flesh.

Further in my investigation, information was given to me by multiple witnesses on scene that they saw a male slumped over the stabilizing cable where it was joined to the dock. Also the witnesses informed me they saw the males head down in the water but his nose and mouth were not submerged and he was still breathing but unresponsive. Upon talking with paramedics on scene, I was informed the male had head injuries and other bodily injuries consistent with a collision.

Further as part of my investigation, I contacted Huntsville Hospital to ascertain the medical condition of what was believed to be life threatening injuries to the male identified as Daniel Benjamin Snyder. Upon being informed that he was alive, as part of my investigation involving collisions of this type, I made a request for the medical staff to do a toxicology of his blood. Later on same date of the collision of July 6, 2014, I was informed that Daniel Benjamin Snyder had been released.


As part of my investigation of the collision, I have not been able to determine the driver of the jet ski watercraft at the time of the collision occurred.

Further, as part of my duties and experience as an Alabama Marine Police, I have investigated multiple watercraft collisions and have knowledge of the type of injuries, bruising and/or markings consistent with and sustained to the body of individuals involved and/or in control of personal watercraft.

Therefore, the affiant believes that based on the foregoing facts and information that affiant has probable cause to believe that injuries, bruising and/or markings consistent with and constitutes, or is expected to constitute evidence consistent with driving and/or operating and/or control of a personal watercraft and is pertinent to the investigation of said collision and of a criminal offense under the laws of the State of Alabama, and that the same is on/within the person of the above named and described Daniel Benjamin Snyder, and is subject to seizure and makes this affidavit so that a warrant may be issued to take photographs and/or digital images of the unclothed body of the said Daniel Benjamin Snyder.


AFFIANT

Sworn to and subscribed before me this 8 day of July, 2014.


Judge of the District Court
circuit

CLERK OF DISTRICT COURT
ALABAMA
2014 JUL 10 PM 3:53



IN THE DISTRICT COURT OF MORGAN COUNTY, ALABAMA

STATE OF ALABAMA,

*

PLAINTIFF,

*

VS.

*

DANIEL BENJAMIN SNYDER,
A WHITE MALE, DOB: [REDACTED]
84 BLUE SKY DRIVE,
LACY SPRINGS, AL

*

*

DEFENDANT.

*

SEARCH WARRANT

TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF ALABAMA:

Affidavit in support of application for search warrant having been made before me, and the Court's finding that grounds for the issuance exist, pursuant to Rule 3.8 of the Alabama Rules of Criminal Procedure, **YOU ARE HEREBY ORDERED AND AUTHORIZED TO FORTHWITH SEIZE:**

THE FOLLOWING PERSON OR PLACE:

Daniel Benjamin Snyder, a white male, DOB: [REDACTED]
and is currently located at 84 Blue Sky Drive, Lacy Springs, Alabama

FOR THE FOLLOWING PROPERTY:

photographs and/or digital images of the unclothed body for evidence of or injuries, bruising and/or markings consistent with and/or relating to personal watercraft operation(s) involved in a collision and to make and produce digital images of the unclothed body, and further that Daniel Benjamin Snyder submit to *in camera* photographs and/or digital images of his body by John Williams and/or any other law enforcement officer with the Alabama Marine Police, and further that John Williams is directed to make a return of this warrant and an inventory of all property or digital images taken or seized there under before me and/or the magistrate of the court within ten (10) days and retain possession of any and all photographs and/or digital images seized as required by law, pending further Orders of a Court of competent jurisdiction.

(☒) This warrant may only be executed

(☒) in the daytime between the hours of
9:00 A.M. and 8:00 P.M.

() The Court finds probable cause to believe that a nighttime search is necessary, and this warrant may be executed at any time of the day or night.

ISSUED TO:

at 3:04 o'clock, 9 P.M. this the 8th day of July, 2014.

Judge of the District Court
Circuit

2014 JUL 10 PM 3:53
CLERK OF DISTRICT COURT
MORGAN COUNTY, ALABAMA



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA	AGDASOVNA	
SHARIFULLINA, DECEASED MARINA)		
STE,		
Plaintiff,)	
)	
V.)	Case No.: CV-2016-900001.00
)	
SNYDER DANIEL B.,)	
WHITLOCK JEFFREY HOWARD,)	
WHITLOCK JEFFREY HUNTER,)	
Defendants.)	

ORDER DENYING SUMMARY JUDGMENT

This matter was before the Court this date for hearing on Motion For Summary Judgment filed herein on behalf of Defendant, DANIEL B. SNYDER. Present were: Hon. Daniel S. Wolter for Defendant, SNYDER; and Hon. Marcus Lee for Plaintiff, MARINA STEWART-MAGEE, Administrator and Personal Representative of ALBINA AGDASOVNA SHARIFULLINA, Deceased.

Initially, the Court addressed the matter of Motion To Strike the Affidavit of Trooper John M. Williams. For the purpose of the Motion For Summary Judgment, the Court does Grant the Motion To Strike as to hearsay information contained in Trooper Williams' Affidavit which was submitted on behalf of Plaintiff. Whether Trooper Williams may be qualified as an expert for trial purposes is yet to be determined and counsel anticipate further deposition inquiry to establish this issue.

After review of the other written submissions and argument of counsel, however, the Court finds that genuine issues of material fact exist which preclude Summary Judgment in favor of Defendant, SNYDER.

Therefore, the Motion For Summary Judgment is respectfully DENIED.

DONE this 16th day of November, 2018.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased,** and gives notice of serving the following discovery documents on all counsel of record in the above-captioned lawsuit:

- ☒ Plaintiff's First Set of Interrogatories to Defendant Jeffery Hunter Whitlock; and
- ☒ Plaintiff's First Request for Production to Defendant Jeffery Hunter Whitlock.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
 Kendall A. Lee (LEE091)
 Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300
 Birmingham, Alabama 35216
 Telephone: (205) 326-6600
 Facsimile: (205) 324-7097

mlee@pljpc.com
klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 21st day of November, 2018, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

Daniel S. Wolter, Esq.

Daniel Wolter Law Firm, LLC

402 Office Park Drive, Suite 100

Birmingham, Alabama 35223

dwolter@wolterlawfirm.com

David R. Wells, Esq.

Whitaker, Mudd, Luke & Wells, LLC

2011 4th Avenue North

Birmingham, Alabama 35203

dwells@wmslawfirm.com

/s/ Mark W. Lee

OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT JEFFERY HUNTER WHITLOCK**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, pursuant to Rule 33 of the Alabama Rules of Civil Procedure, and propounds the following interrogatories to Defendant Jeffery Hunter Whitlock:

DEFINITIONS

1. The terms "you" and "your" as used herein shall mean the Defendant, Jeffery Hunter Whitlock.
2. The term "person" as used herein shall mean any individual, partnership, firm, association, corporation, or other business, governmental, educational, legal, or other entity.
3. The term "address" as used herein shall mean the complete street, street number, city, state, post office box or route, and box address of the subject person as that term is applied in definition number two above.

4. The phrase “your family’s dock” as used herein shall mean the dock on Smith Lake located at 680 County Road Highway 218, Bremen, Alabama 35033.

5. The phrases “your family’s lake home” and “your family’s lake home property” as used herein shall mean the property on Smith Lake located at 680 County Road Highway 218, Bremen, Alabama 35033.

INTERROGATORIES

1. State your full name, date of birth, and current residential address.

2. Please identify every cell phone number and provider that you had on July 5, 2014. For each account, please provide the cell phone number, the cell phone provider, the type of cell phone (e.g., iPhone 3, iPhone 4, Galaxy S, etc.), and state whether the account is still active.

3. State the name, telephone number, and last known address of all persons who visited your family’s lake home property on Saturday, July 5, 2014.

4. State the name, telephone number, and last known address of all persons who visited your family’s lake home property between 6:00 p.m. and 11:59 p.m. on Saturday, July 5, 2014.

5. State the name, telephone number, and last known address of every person who was inside your family’s lake home when Defendant Daniel B. Snyder and Albina (“Alya”) Sharifullina departed your family’s dock on Daniel Snyder’s SeaDoo shortly after midnight on Sunday, July 6, 2014.

6. State the name, telephone number, and last known address of every person who was on your family’s lake home property when Defendant Daniel B. Snyder and Albina (“Alya”) Sharifullina departed your family’s dock on Daniel Snyder’s SeaDoo shortly after midnight on Sunday, July 6, 2014.

7. State the name, telephone number, and last known address of each and every person known to you, your agents, and/or your attorneys who have knowledge or claim to have knowledge of the events described in the Plaintiff's original Complaint and First Amended Complaint.

8. Describe, in specific detail, the location where Defendant Daniel B. Snyder's SeaDoo was parked at your family's dock in the evening hours of July 5, 2014. In responding to this interrogatory, please identify the specific side of the dock where the SeaDoo was parked and the direction in which the SeaDoo was facing while parked. Please also state whether the SeaDoo was parked in a SeaDoo slip or boat slip.

9. Describe, in specific detail, the location where Defendant Daniel B. Snyder's SeaDoo personal watercraft was parked at your family's dock when you accompanied Daniel B. Snyder and Albina ("Alya") Sharifullina to the dock shortly after midnight on July 6, 2014. In responding to this interrogatory, please identify the specific side of the dock where the SeaDoo was parked and the direction in which the SeaDoo was facing while parked. Please also state whether the SeaDoo was parked in a SeaDoo slip or boat slip.

10. Did you consume or take any alcoholic beverages, drugs, or medications on July 5, 2014? If so, please identify the substance consumed and state the quantity of the substance consumed, the time(s) of consumption, and the location where the consumption took place.

11. State whether any policy or policies of insurance (including any umbrellas or excess policies) exist which may provide coverage to you for any liability which may arise as a result of the incident described in the Plaintiff's First Amended Complaint. For each such policy, state the following:

- (a) The name and address of the insurer;
- (b) The policy number;
- (c) The amount of liability insurance coverage afforded by each such policy;
- (d) The name and address of each and every named insured under such policy;
and
- (e) Whether any such insurer is defending you in this matter under a reservation of rights.

12. Have you been a party to any other personal injury and/or wrongful death claims or lawsuits? If so, state the nature of the claim(s) and/or lawsuit(s), and provide the names of all claimants, parties, and persons involved in each claim and/or lawsuit.

13. State the names and addresses of all of your relatives, by blood or marriage, who are over the age of eighteen (18) years and who reside in Cullman County, Alabama.

14. Identify the person(s) who answered these interrogatories or who contributed any information used in answering these interrogatories. If more than one person provided the answers or contributed such information, identify the specific interrogatories answered by each person and the information provided.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
Kendall A. Lee (LEE091)
Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

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/s/ Mark W. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT JEFFERY HUNTER WHITLOCK**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, pursuant to Rule 34 of the Alabama Rules of Civil Procedure, and submits the following Request for Production of Documents to Defendant Jeffery Hunter Whitlock:

1. Produce a copy of all insurance policies and declarations page(s) for each policy (including any umbrella or excess policies) which may provide liability coverage to you for the claims asserted in the Plaintiff's First Amended Complaint.
2. Produce a copy of your cell phone records, including all text messages that were sent and/or received by you, from July 5, 2014 to the present that relate in any way to the events described in the Plaintiff's First Amended Complaint. Please exclude all text messages that were sent and/or received exclusively between yourself and your attorney(s).

3. Produce a copy of all e-mail communications that were sent and/or received by your personal e-mail address(es) from July 5, 2014 to the present that relate in any way to the events described in the Plaintiff's First Amended Complaint. Please exclude all e-mails that were sent and/or received exclusively between yourself and your attorney(s).

4. Produce a copy of all electronic communications either sent or received by you through social networking sites, including, but not limited to, Facebook, Twitter, and Instagram, from July 5, 2014 to the present that relate in any way to the events described in the Plaintiff's First Amended Complaint. Please exclude all electronic communications that were sent and/or received exclusively between yourself and your attorney(s).

5. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and Defendant Jeffery Howard Whitlock regarding the events described in the Plaintiff's First Amended Complaint.

6. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and Defendant Daniel B. Snyder regarding the events described in the Plaintiff's First Amended Complaint.

7. Produce a copy of the Facebook message you received from Defendant Daniel B. Snyder's brother, Aaron Snyder, regarding the events described in the Plaintiff's First Amended Complaint.

8. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and Defendant Daniel B. Snyder's brother, Aaron Snyder, regarding the events described in the Plaintiff's First Amended Complaint.

9. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and your sister, Hollace Whitlock, regarding the events described in the Plaintiff's First Amended Complaint.

10. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and your mother, Marilyn Whitlock, regarding the events described in the Plaintiff's First Amended Complaint.

11. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and any person regarding the events described in the Plaintiff's First Amended Complaint. Please exclude all communications that were sent and/or received exclusively between yourself and your attorney(s).

12. Produce a copy of all photographs, video recordings, and audio recordings that were taken on your family's lake home property located at 680 County Road Highway 218, Bremen, Alabama 35033 on Saturday, July 5, 2014.

13. Produce a copy of all photographs, video recordings, and audio recordings that were taken on your family's lake property located at 680 County Road Highway 218, Bremen, Alabama 35033 on Sunday, July 6, 2014.

14. Produce a privilege log identifying all documents and materials being withheld from production on the basis of privilege.

/s/ Mark W. Lee
Mark W. Lee (LEE003)
Kendall A. Lee (LEE091)
Attorneys for Plaintiff

OF COUNSEL:**PARSONS, LEE & JULIANO, P.C.**

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

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dwells@wmslawfirm.com

/s/ Mark W. Lee

OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)
Plaintiff,)
v.)
DANIEL B. SNYDER, et al.,)
Defendants.)

CIVIL ACTION NO.
CV-2016-900001

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased,** and gives notice of serving the following discovery documents on all counsel of record in the above-captioned lawsuit:

- ☒ Plaintiff's First Set of Interrogatories to Defendant Jeffery Howard Whitlock; and
- ☒ Plaintiff's First Request for Production to Defendant Jeffery Howard Whitlock.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
 Kendall A. Lee (LEE091)
 Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

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 Birmingham, Alabama 35216
 Telephone: (205) 326-6600
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mlee@pljpc.com
klee@pljpc.com

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David R. Wells, Esq.
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Birmingham, Alabama 35203
dwells@wmslawfirm.com

/s/ Mark W. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT JEFFERY HOWARD WHITLOCK**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, pursuant to Rule 33 of the Alabama Rules of Civil Procedure, and hereby propounds the following interrogatories to Defendant Jeffery Howard Whitlock:

DEFINITIONS

1. The terms "you" and "your" shall mean the Defendant, Jeffery Howard Whitlock.
2. The term "person" shall mean any individual, partnership, firm, association, corporation, or other business, governmental, educational, legal, or other entity.
3. The term "address" shall mean the complete street, street number, city, state, post office box or route, and box address of the subject person as that term is applied in definition number two above.

4. The phrase “your dock” as used herein shall mean the dock on Smith Lake located at 680 County Road Highway 218, Bremen, Alabama 35033.

5. The phrases “your lake home” and “your lake home property” as used herein shall mean the property on Smith Lake located at 680 County Road Highway 218, Bremen, Alabama 35033.

INSTRUCTIONS

1. These interrogatories are continuing in nature, requiring the Defendant to timely supplement his answers if and when required pursuant to the Alabama Rules of Civil Procedure.

2. In the event any answer is withheld or limited on the basis of a claimed privilege, provide the reason for withholding or limiting your response, and state the factual basis for your claim of privilege.

3. If an interrogatory cannot be answered in full, state the answer to the extent possible and specify the reasons for which you cannot respond fully.

INTERROGATORIES

1. State your full name, date of birth, current residential address, and social security number.

2. State the name, telephone number, and last known address of each and every person who visited your lake home on Saturday, July 5, 2014.

3. State the name, telephone number, and last known address of every person who was inside your lake home when Defendant Daniel B. Snyder and Albina (“Alya”) Sharifullina departed your dock on Daniel Snyder’s SeaDoo shortly after midnight on Sunday, July 6, 2014.

4. State the name, telephone number, and last known address of every person who was on your lake home property when Defendant Daniel B. Snyder and Albina (“Alya”) Sharifullina departed your dock on Daniel Snyder’s SeaDoo shortly after midnight on Sunday, July 6, 2014.

5. State the name, telephone number, and last known address of each and every person known to you, your agents, and/or your attorneys who have knowledge or claim to have knowledge of the events described in the Plaintiff’s original Complaint and First Amended Complaint.

6. Please identify every cell phone number and provider that you had on July 5, 2014. For each account, provide the cell phone number, the cell phone provider, the type of cell phone (e.g., iPhone 3, iPhone 4, Galaxy S, etc.), and state whether the account is still active.

7. Please identify every cell phone number and provider that your spouse, Marilyn Whitlock, had on July 5, 2014. For each account, provide the cell phone number, the cell phone provider, the type of cell phone (e.g., iPhone 4, iPhone 5, Galaxy S, etc.), and state whether the account is still active.

8. Describe, in specific detail, the location where Defendant Daniel B. Snyder’s SeaDoo was parked at your dock in the evening hours of July 5, 2014. In responding to this interrogatory, please identify the specific side of the dock where the SeaDoo was parked and the direction in which the SeaDoo was facing while parked. Please also state whether the SeaDoo was parked in a SeaDoo slip or boat slip.

9. Did you consume or take any alcoholic beverages, drugs, or medications on July 5, 2014? If so, please identify the substance consumed and state the quantity of

substance consumed, the time(s) of consumption, and the location where the consumption took place.

10. State whether any policy or policies of insurance (including any umbrellas or excess policies) exist which may provide coverage to you for any liability which may arise as a result of the incident described in the Plaintiff's original Complaint and First Amended Complaint and, if so, for each such policy, state the following:

- (a) The name and address of the insurer;
- (b) The policy number;
- (c) The amount of liability insurance coverage afforded by each such policy;
- (d) The name and address of each and every named insured under such policy; and
- (e) Whether any such insurer is defending you in this matter under a reservation of rights.

11. Have you ever been involved in any personal injury and/or wrongful death claims or lawsuits? If so, state the nature of the claim or lawsuit, including the time and place of the occurrence giving rise to the claim or lawsuit, and the name of the person or persons who were involved.

12. State the names and addresses of all of your relatives, by blood or marriage, who are over the age of eighteen (18) years and who reside in Cullman County, Alabama.

13. Identify the person(s) who answered these interrogatories or who contributed any information used in answering these interrogatories. If more than one person provided the answers or contributed such information, identify the specific interrogatories answered by each person and the information provided.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
Kendall A. Lee (LEE091)
Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

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/s/ Mark W. Lee

OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
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DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
TO DEFENDANT JEFFERY HOWARD WHITLOCK**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, pursuant to Rule 34 of the Alabama Rules of Civil Procedure, and submits the following Request for Production to Defendant Jeffery Howard Whitlock:

1. Produce a copy of all insurance policies and declarations page(s) for each policy (including any umbrella or excess policies) which may provide liability coverage to you for the claims asserted in the Plaintiff's First Amended Complaint.
2. Produce a copy of your cell phone records, including all text messages that were sent and/or received by you, from July 5, 2014 to the present that relate in any way to the events described in the Plaintiff's First Amended Complaint. Please exclude all text messages that were sent and/or received exclusively between yourself and your attorney(s).

3. Produce a copy of all e-mail communications that were sent and/or received by your personal e-mail address(es) from July 5, 2014 to the present that relate in any way to the events described in the Plaintiff's First Amended Complaint. Please exclude all e-mails that were sent and/or received exclusively between yourself and your attorney(s).

4. Produce a copy of all electronic communications either sent or received by you through social networking sites, including, but not limited to, Facebook, Twitter, and Instagram, from July 5, 2014 to the present that relate in any way to the events described in the Plaintiff's First Amended Complaint. Please exclude all electronic communications that were sent and/or received exclusively between yourself and your attorney(s).

5. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and Defendant Jeffery Hunter Whitlock regarding the events described in the Plaintiff's First Amended Complaint.

6. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and Defendant Daniel B. Snyder regarding the events described in the Plaintiff's First Amended Complaint.

7. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and Defendant Daniel B. Snyder's brother, Aaron Snyder, regarding the events described in the Plaintiff's First Amended Complaint.

8. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and your daughter, Hollace Whitlock, regarding the events described in the Plaintiff's First Amended Complaint.

9. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and your spouse, Marilyn Whitlock, regarding the events described in the Plaintiff's First Amended Complaint.

10. Produce a copy of all written communications, including, but not limited to, text messages, e-mails, and other correspondence, between you and any person regarding the events described in the Plaintiff's First Amended Complaint. Please exclude all communications that were sent and/or received exclusively between yourself and your attorney(s).

11. Produce a copy of all photographs, video recordings, and audio recordings that were taken on your lake home property located at 680 County Road Highway 218, Bremen, Alabama 35033 on Saturday, July 5, 2014.

12. Produce a copy of all photographs, video recordings, and audio recordings that were taken on your lake property located at 680 County Road Highway 218, Bremen, Alabama 35033 on Sunday, July 6, 2014.

13. Produce a privilege log identifying all documents and materials being withheld from production on the basis of privilege.

/s/ Mark W. Lee

Mark W. Lee (LEE003)

Kendall A. Lee (LEE091)

Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

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dwells@wmslawfirm.com

/s/ Mark W. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**NOTICE OF INTENT TO SERVE SUBPOENA
ON NON-PARTY HUNTSVILLE HOSPITAL**

PLEASE TAKE NOTICE that, upon the expiration of fifteen (15) days from the date of service of this notice, Plaintiff **MARINA STEWART-MAGEE**, by and through her attorneys, Kendall A. Lee and Mark W. Lee, will apply to the Clerk of this Court for issuance of the attached subpoena directed to **Huntsville Hospital, Attn: Medical Records Custodian, 101 Sivley Road, Huntsville, Alabama 35801**, to produce and certify copies of the documents, materials and/or electronically stored information specified in the attached subpoena.

/s/ Kendall A. Lee
KENDALL A. LEE (LEE091)
MARK W. LEE (LEE003)
Attorneys for Plaintiff

OF COUNSEL:
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
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David R. Wells, Esq.
Whitaker, Mudd, Luke & Wells, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

/s/ Kendall A. Lee

OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

CIVIL ACTION NO.
CV-2016-900001

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Huntsville Hospital
Attn: Medical Records Custodian
101 Sivley Road
Huntsville, Alabama 35801

Pursuant to Rule 45 of the Alabama Rules of Civil Procedure you are hereby commanded to do each of the following acts at the instance of the Plaintiff, **Marina Stewart-Magee**, within fifteen (15) days after service of this subpoena:

That you produce a certified, accurate, legible, and complete copy of original records and permit the Plaintiff to inspect and copy each of the following documents:

All medical records, including emergency room records, inpatient records, outpatient records, trauma flow sheets, reports, tests and test results, consultant reports, admit sheets, histories, x-rays, x-ray reports, radiographic reports, lab reports, nurses notes, physicians notes and orders, charts, graphs, discharge summaries, operative reports, correspondence, and any and all other records and materials pertaining to the following patient:

Daniel Benjamin Snyder
2024 2nd Avenue North, Apt. 1804
Birmingham, Alabama 35203
DOB: 8/26/1974
SSN: xxx-xx-6318

The produced documents shall include all documents in your possession regarding the above-named patient, regardless of whether or not said documents are considered to be part of the chart or medical record and regardless of whether or not said documents or records were originally generated by you or by some other health care provider. **Nothing in this subpoena permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this subpoena permits disclosure of records or information relating to HIV testing or sexually transmitted disease.**

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed, and that no such objection has been raised. See 45 C.F.R., Subpart E, § 164.512(e)(1), and see accompanying documentation.

Plaintiff agrees to pay all reasonable expenses incurred by you in connection with the production of said documents. Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail a certified, accurate, legible and complete copy of the requested documents and records to **Kendall A. Lee, Parsons, Lee & Juliano, P.C., 600 Vestavia Parkway, Suite 300, Birmingham, Alabama 35216**, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. **PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.**

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in relevant part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under undue burden or expense on a person subject to that subpoena. The court from which the

subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ala. R. Civ. P. 45(c)-(d)(1)(2).

Dated this _____ day of _____, 2018.

/s/ Kendall A. Lee

Kendall A. Lee (LEE091)

Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@pljpc.com

RETURN ON SERVICE:

Executed by leaving a copy with

Clerk of the Court_____

on this the ____ day of _____,
2018.By _____
Deputy ClerkBY: _____
Deputy Sheriff or
Process Server



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**NOTICE OF INTENT TO SERVE SUBPOENA
ON NON-PARTY DAVID J. GRAY, M.D.**

PLEASE TAKE NOTICE that, upon the expiration of fifteen (15) days from the date of service of this notice, Plaintiff **MARINA STEWART-MAGEE**, by and through her attorneys, Kendall A. Lee and Mark W. Lee, will apply to the Clerk of this Court for issuance of the attached subpoena directed to **David J. Gray, M.D., Attn: Medical Records Custodian, 4601 Whitesburg Drive SE, Suite 103, Huntsville, Alabama 35802**, to produce and certify copies of the documents, materials and/or electronically stored information specified in the attached subpoena.

/s/ Kendall A. Lee
KENDALL A. LEE (LEE091)
MARK W. LEE (LEE003)
Attorneys for Plaintiff

OF COUNSEL:
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216
Telephone: (205) 326-6600
Facsimile: (205) 324-7097

klee@pljpc.com
mlee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 20th day of December, 2018, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile electronic filing system, which will send notification of such filing to the following:

Daniel S. Wolter, Esq.
Daniel Wolter Law Firm, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

David R. Wells, Esq.
Whitaker, Mudd, Luke & Wells, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

/s/ Kendall A. Lee

OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: David J. Gray, M.D.
Attn: Medical Records Custodian
4601 Whitesburg Drive SE, Suite 103
Huntsville, Alabama 35802

Pursuant to Rule 45 of the Alabama Rules of Civil Procedure you are hereby commanded to do each of the following acts at the instance of the Plaintiff, **Marina Stewart-Magee**, within fifteen (15) days after service of this subpoena:

That you produce a certified, accurate, legible, and complete copy of original records and permit the Plaintiff to inspect and copy each of the following documents:

All medical records, including emergency room records, inpatient records, outpatient records, reports, tests and test results, consultant reports, admit sheets, histories, x-rays, x-ray reports, radiographic reports, lab reports, nurses notes, physicians notes and orders, charts, graphs, discharge summaries, operative reports, correspondence, and any and all other records and materials pertaining to the following patient:

Daniel Benjamin Snyder
 2024 2nd Avenue North, Apt. 1804
 Birmingham, Alabama 35203
DOB: 8/26/1974
SSN: xxx-xx-6318

The produced documents shall include all documents in your possession regarding the above-named patient, regardless of whether or not said documents are considered to be part of the chart or medical record and regardless of whether or not said documents or records were originally generated by you or by some other health care provider. **Nothing in this subpoena permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this subpoena permits disclosure of records or information relating to HIV testing or sexually transmitted disease.**

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed, and that no such objection has been raised. See 45 C.F.R., Subpart E, § 164.512(e)(1), and see accompanying documentation.

Plaintiff agrees to pay all reasonable expenses incurred by you in connection with the production of said documents. Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail a certified, accurate, legible and complete copy of the requested documents and records to **Kendall A. Lee, Parsons, Lee & Juliano, P.C., 600 Vestavia Parkway, Suite 300, Birmingham, Alabama 35216**, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. **PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.**

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in relevant part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under undue burden or expense on a person subject to that subpoena. The court from which the

subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ala. R. Civ. P. 45(c)-(d)(1)(2).

Dated this _____ day of _____, 2018.

/s/ Kendall A. Lee

Kendall A. Lee (LEE091)

Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@pljpc.com

RETURN ON SERVICE:

Executed by leaving a copy with

Clerk of the Court_____

on this the ____ day of _____,
2018.By _____
Deputy ClerkBY: _____
Deputy Sheriff or
Process Server



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**NOTICE OF INTENT TO SERVE SUBPOENA
ON NON-PARTY AIR METHODS d/b/a LIFE SAVER**

PLEASE TAKE NOTICE that, upon the expiration of fifteen (15) days from the date of service of this notice, Plaintiff **MARINA STEWART-MAGEE**, by and through her attorneys, Kendall A. Lee and Mark W. Lee, will apply to the Clerk of this Court for issuance of the attached subpoena directed to **Air Methods d/b/a Life Saver, Attn: Custodian of Records, 1822 Pineview Circle, Rainbow City, Alabama 35906**, to produce and certify copies of the documents, materials and/or electronically stored information specified in the attached subpoena.

/s/ Kendall A. Lee

KENDALL A. LEE (LEE091)

MARK W. LEE (LEE003)

Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@pljpc.com

mlee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 20th day of December, 2018, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile electronic filing system, which will send notification of such filing to the following:

Daniel S. Wolter, Esq.
Daniel Wolter Law Firm, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

David R. Wells, Esq.
Whitaker, Mudd, Luke & Wells, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

/s/ Kendall A. Lee

OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)
Plaintiff,)
v.)
DANIEL B. SNYDER, et al.,)
Defendants.)

CIVIL ACTION NO.
CV-2016-900001

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Air Methods d/b/a Life Saver
Attn: Custodian of Records
1822 Pineview Circle
Rainbow City, Alabama 35906

Pursuant to Rule 45 of the Alabama Rules of Civil Procedure you are hereby commanded to do each of the following acts at the instance of the Plaintiff, **Marina Stewart-Magee**, within fifteen (15) days after service of this subpoena:

That you produce a certified, accurate, legible, and complete copy of original records and permit the Plaintiff to inspect and copy each of the following documents:

All medical records, patient charts, patient care reports, logs, histories, notes, correspondence, flight information, and all other records and materials concerning the following patient/individual:

Daniel Benjamin Snyder
DOB: 8/26/1974
SSN: xxx-xx-6318
Date of Service: 7/6/2014

The produced documents shall include all documents in your possession regarding the above-named patient, regardless of whether or not said documents are considered to be part of the chart or medical record and regardless of whether or not said documents or records were originally generated by you or by some other health care provider. **Nothing in this subpoena permits disclosure of confidential communications, made for the purposes of diagnosis or treatment**

of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this subpoena permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed, and that no such objection has been raised. See 45 C.F.R., Subpart E, § 164.512(e)(1), and see accompanying documentation.

Plaintiff agrees to pay all reasonable expenses incurred by you in connection with the production of said documents. Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail a certified, accurate, legible and complete copy of the requested documents and records to **Kendall A. Lee, Parsons, Lee & Juliano, P.C., 600 Vestavia Parkway, Suite 300, Birmingham, Alabama 35216**, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. **PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.**

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in relevant part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ala. R. Civ. P. 45(c)-(d)(1)(2).

Dated this _____ day of _____, 2018.

/s/ Kendall A. Lee

Kendall A. Lee (LEE091)

Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@pljpc.com

RETURN ON SERVICE:

Executed by leaving a copy with

Clerk of the Court_____

on this the ____ day of _____,
2018.By _____
Deputy ClerkBY: _____
Deputy Sheriff or
Process Server



ELECTRONICALLY FILED
12/21/2018 8:19 AM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
Who sues as Administrator and)
Personal Representative of the Estate of)
ALBINA AGDASOVNA)
SHARIFULLINA, Deceased,)
))
Plaintiff,)
))
v.)
))
DANIEL B. SNYDER,)
))
Defendant.)

Case No.: CV 16-900001

NOTICE TO CLERK OF FILING DISCOVERY

TO: Circuit Clerk of Cullman County
Cullman County Courthouse

Please take notice that the following discovery document has been filed on behalf of
defendant:

(X) Deposition Notice-Trooper John Williams

/s/ Daniel S. Wolter

Daniel S. Wolter (WOL012)
Attorney for Daniel B. Snyder

OF COUNSEL:

Daniel Wolter Law Firm, LLC
402 Office Park Drive, Ste 100
Birmingham, Alabama 35223
(205) 983-6440 Telephone
(205) 983-6334 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2018 the foregoing was electronically filed with the Clerk of this Court using the Court's electronic system, which will send notification of such filing to the following:

Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

David R. Wells
MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203

/s/ Daniel S. Wolter
OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGGE,)
Who sues as Administrator and)
Personal Representative of the Estate of)
ALBINA AGDASOVNA)
SHARIFULLINA, Deceased,)
))
Plaintiff,)
))
v.)
))
DANIEL B. SNYDER,)
))
Defendant.)

Case No.: CV 16-900001

RULE 30 (B)(5) NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Kendall A. Lee
 PARSONS, LEE & JULIANO, P.C.
 600 Vestavia Parkway, Suite 300
 Birmingham, Alabama 35216

Please take notice that at the time, date and place indicated below, the defendant will take the testimony by deposition upon oral examination of that party named. Such deposition shall be taken for the purpose of discovery or for use as evidence in this action pursuant to the Alabama Rules of Civil Procedure and shall be taken before a certified court reporter and notary public, or some other person who is authorized to administer oaths under the laws of the State of Alabama. The oral examination will continue from time to time until completed.

DATE: January 24, 2019

TIME: 10:00 a.m.

DEPONENT: Trooper John Williams

PLACE: PARSONS, LEE & JULIANO, P.C.
 600 Vestavia Parkway, Suite 300
 Birmingham, Alabama 35216

Daniel Snyder request the following documents be produced at the deposition:

1. Any and all documents, correspondence or reference of any type you have in your possession relating to Albina Sharifullina, Daniel Snyder, or the accident in which Sharifullina was killed on July 6, 2014.
2. Any and all documents, correspondence or reference of any type you have in your possession relating to plaintiff lawyer's firm and correspondence relating to plaintiff lawyer's firm.
3. Any and all reports prepared by you relating to any opinions you intend to give at the trial.
4. Any and all books, manuals, procedures and policies you reviewed in preparation of your opinion.
5. A listing of all cases in which you have provided expert testimony of any kind including deposition testimony or trial testimony.
6. A listing of all attorneys that have ever retained you to provide an expert opinion of any kind including deposition testimony or trial testimony.
7. A copy of the autopsy report relating to Albina Sharifullina.
8. All documents, photographs or items of any type that you reviewed or that you relied upon in reaching your opinions.
9. Your entire investigative file relating to the accident involved in this case.
10. Any recordings of any witness statements taken in your investigation of the accident at issued in this case.

/s/Daniel S. Wolter

Daniel S. Wolter (WOL012)
Attorney for Daniel B. Snyder

OF COUNSEL:

Daniel Wolter Law Firm, LLC
402 Office Park Drive, Ste 100
Birmingham, Alabama 35223
(205) 983-6440 Telephone
(205) 900-8095 Facsimile

CERTIFICATE OF SERVICE



I hereby certify that on this 21st day of December, 2018, the foregoing was electronically filed with the Clerk of this Court using the Court's electronic system, which will send notification of such filing to the following:

Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

David R. Wells
MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203

/s/ Daniel S. Wolter
OF COUNSEL

LC 11/30

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 25-CV-2016-900001.00
IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT		
NOTICE TO: JEFFREY HUNTER WHITLOCK, 4113 CLOVER LEAF DRIVE, BIRMINGHAM, AL 35243 312 MB <div style="text-align: center;">(Name and Address of Defendant)</div>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S). KENDALL A. LEE <div style="text-align: center;">(Name(s) of Attorney(s))</div>		
WHOSE ADDRESS(ES) IS/ARE: POST OFFICE BOX 661228, BIRMINGHAM, AL 35266 <div style="text-align: center;">(Address(es) of Plaintiff(s) or Attorney(s))</div>		
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:		
<input checked="" type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant. <input type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of _____ <div style="text-align: right;">(Name(s))</div>		
9/26/2018 11:40:31 AM s/ LISA MCSWAIN By: _____ <div style="display: flex; justify-content: space-between;"> (Date) (Signature of Clerk) (Name) </div>		
FILED IN OFFICE JAN 02 2019		
<input type="checkbox"/> Certified Mail is hereby requested. <div style="text-align: right;">(Plaintiff's/Attorney's Signature)</div>		
RETURN ON SERVICE		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <div style="text-align: right;">(Date)</div>		
<input checked="" type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ <div style="display: flex; justify-content: space-between;"> (Name of Person Served) (Name of County) </div>		
Alabama on <u>11/30/18</u> JEFF. CO. <div style="display: flex; justify-content: space-between;"> (Date) (Name of County) </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <u>DS</u> (Type of Process Server) </div> <div style="width: 30%;"> <u>[Signature]</u> (Server's Signature) </div> <div style="width: 30%;"> <u>JCSO</u> (Address of Server) </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <u>R. Molay</u> (Server's Printed Name) </div> <div style="width: 30%;"></div> <div style="width: 30%;"> (Phone Number of Server) </div> </div>		
25-CV-2016-900001.00		
MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT		
C001 - ALBINA AGDASOVNA SHARIFULLINA, DECEASED v. D003 - JEFFREY HUNTER WHITLOCK <div style="display: flex; justify-content: space-between;"> MARINA STE (Defendant) </div> <div style="display: flex; justify-content: space-between;"> (Plaintiff) </div>		
		
		
RETURN COPY		

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Cas
25-

ELECTRONICALLY FILED
1/7/2019 2:22 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

A. Issued at the request of :

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

HUNTSVILLE HOSPITAL

CUSTODIAN OF RECORD
101 SIVLEY ROAD
HUNTSVILLE, AL 35801

You may contact: KENDALL A. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 01/22/2019 09:00 AM

ROOM: _____

ADDRESS: Parsons Lee & Juliano
600 Vestavia Parkway Suite 300
Birmingham, AL 35216

DATE ISSUED: 1/7/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Appearance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____

on _____

(For Criminal cases only)

☐ **Served By Mail**

Date Mailed _____

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala.R.Civ.P. 45(a) (3) (C), the production of documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c) (2) (B), which is set out below.

Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(3) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(4) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(5) A person responding to a subpoena need not provide discovery of electronically stored information from sources the person identifies to the requesting party as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(B). The court may specify conditions regarding the production of the discovery.

(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Huntsville Hospital
Attn: Medical Records Custodian
101 Sivley Road
Huntsville, Alabama 35801**

Pursuant to Rule 45 of the Alabama Rules of Civil Procedure you are hereby commanded to do each of the following acts at the instance of the Plaintiff, **Marina Stewart-Magee**, within fifteen (15) days after service of this subpoena:

That you produce a certified, accurate, legible, and complete copy of original records and permit the Plaintiff to inspect and copy each of the following documents:

All medical records, including emergency room records, inpatient records, outpatient records, trauma flow sheets, reports, tests and test results, consultant reports, admit sheets, histories, x-rays, x-ray reports, radiographic reports, lab reports, nurses notes, physicians notes and orders, charts, graphs, discharge summaries, operative reports, correspondence, and any and all other records and materials pertaining to the following patient:

**Daniel Benjamin Snyder
2024 2nd Avenue North, Apt. 1804
Birmingham, Alabama 35203
DOB: 8/26/1974
SSN: xxx-xx-6318**

The produced documents shall include all documents in your possession regarding the above-named patient, regardless of whether or not said documents are considered to be part of the chart or medical record and regardless of whether or not said documents or records were originally generated by you or by some other health care provider. **Nothing in this subpoena permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this subpoena permits disclosure of records or information relating to HIV testing or sexually transmitted disease.**

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed, and that no such objection has been raised. See 45 C.F.R., Subpart E, § 164.512(e)(1), and see accompanying documentation.

Plaintiff agrees to pay all reasonable expenses incurred by you in connection with the production of said documents. Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail a certified, accurate, legible and complete copy of the requested documents and records to Kendall A. Lee, Parsons, Lee & Juliano, P.C., 600 Vestavia Parkway, Suite 300, Birmingham, Alabama 35216, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. **PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.**

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in relevant part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under undue burden or expense on a person subject to that subpoena. The court from which the

subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ala. R. Civ. P. 45(c)-(d)(1)(2).

Dated this 7th day of January, ²⁰¹⁹~~2018~~.

/s/ Kendall A. Lee
Kendall A. Lee (LEE091)
Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@pljpc.com

RETURN ON SERVICE:Executed by leaving a copy with _____

Clerk of the Courton this the _____ day of _____,
2018.By _____
Deputy ClerkBY: _____
Deputy Sheriff or
Process Server



FILED
10/19/2018 6:11 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA AGDASOVNA SHARIFULLINA,
DECEASED MARINA STE,
Plaintiff,

V.

SNYDER DANIEL B.,
WHITLOCK JEFFREY HOWARD,
WHITLOCK JEFFREY HUNTER,
Defendants.

Case No.: CV-2016-900001.00

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties are permitted to inspect and copy all health information relating to the medical treatment and physical condition of Daniel B. Snyder following the incident made the basis of this lawsuit, including all information relating to the provision of health care to Daniel B. Snyder as a result of the subject incident. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to this lawsuit may request an interview with any health care provider, health plan administrator, or other individual in connection with the aforementioned health information and payments therefore (such information collectively referred to hereafter as "Protected Health Information"). Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.

This Order authorizes any third party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee of the attorney or party. The parties are prohibited from using or disclosing the protected health information for any purpose other than this litigation or proceeding for which such information was requested" pursuant to the requirements of 45 C.F.R. § 164.512(e)(1)(v)(A).

At the immediate conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order. If a written request is not made at the immediate conclusion of this action, all recipients of the Protected Health Information reserve the right to destroy such documents and any copies thereof containing Protected Health Information received by them pursuant to this Order. Such Protected Health Information received in an insurance claim file and law firm litigation file may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

A photocopy of the Order shall be deemed as an original.

DONE this 19th day of October, 2018.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Cas
25-

ELECTRONICALLY FILED
1/7/2019 2:25 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

DR. DAVID J. GRAY

4601 WHITESBURG DRIVE SE
SUITE 103
HUNTSVILLE, AL 35802

A. Issued at the request of :

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

You may contact: KENDALL A. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 01/22/2019 09:00 AM

ROOM: _____

ADDRESS: Parsons Lee & Juliano
600 Vestavia Parkway Suite 300
Birmingham, AL 35216

DATE ISSUED: 1/7/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records
must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Attendance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I certify that I personally delivered a copy of this order
to _____

on _____

Signature and Title of Server

(For Criminal cases only)

☐ **Served By Mail**

Date Mailed _____

Sheriff

Deputy Sheriff

NOTICE

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Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

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(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

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(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: David J. Gray, M.D.
Attn: Medical Records Custodian
4601 Whitesburg Drive SE, Suite 103
Huntsville, Alabama 35802**

Pursuant to Rule 45 of the Alabama Rules of Civil Procedure you are hereby commanded to do each of the following acts at the instance of the Plaintiff, **Marina Stewart-Magee**, within fifteen (15) days after service of this subpoena:

That you produce a certified, accurate, legible, and complete copy of original records and permit the Plaintiff to inspect and copy each of the following documents:

All medical records, including emergency room records, inpatient records, outpatient records, reports, tests and test results, consultant reports, admit sheets, histories, x-rays, x-ray reports, radiographic reports, lab reports, nurses notes, physicians notes and orders, charts, graphs, discharge summaries, operative reports, correspondence, and any and all other records and materials pertaining to the following patient:

**Daniel Benjamin Snyder
2024 2nd Avenue North, Apt. 1804
Birmingham, Alabama 35203
DOB: 8/26/1974
SSN: xxx-xx-6318**

The produced documents shall include all documents in your possession regarding the above-named patient, regardless of whether or not said documents are considered to be part of the chart or medical record and regardless of whether or not said documents or records were originally generated by you or by some other health care provider. **Nothing in this subpoena permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this subpoena permits disclosure of records or information relating to HIV testing or sexually transmitted disease.**

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed, and that no such objection has been raised. See 45 C.F.R., Subpart E, § 164.512(e)(1), and see accompanying documentation.

Plaintiff agrees to pay all reasonable expenses incurred by you in connection with the production of said documents. Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail a certified, accurate, legible and complete copy of the requested documents and records to Kendall A. Lee, Parsons, Lee & Juliano, P.C., 600 Vestavia Parkway, Suite 300, Birmingham, Alabama 35216, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. **PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.**

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in relevant part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under undue burden or expense on a person subject to that subpoena. The court from which the

subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) **Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ala. R. Civ. P. 45(c)-(d)(1)(2).

Dated this 7th day of January, 2018.

/s/ Kendall A. Lee
Kendall A. Lee (LEE091)
Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@plipc.com

RETURN ON SERVICE:

Executed by leaving a copy with

Clerk of the Court_____

on this the ____ day of _____,
2018.By _____
Deputy ClerkBY: _____
Deputy Sheriff or
Process Server



FILED
10/19/2018 6:11 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA AGDASOVNA SHARIFULLINA,
DECEASED MARINA STE,
Plaintiff,

V.

SNYDER DANIEL B.,
WHITLOCK JEFFREY HOWARD,
WHITLOCK JEFFREY HUNTER,
Defendants.

Case No.: CV-2016-900001.00

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties are permitted to inspect and copy all health information relating to the medical treatment and physical condition of Daniel B. Snyder following the incident made the basis of this lawsuit, including all information relating to the provision of health care to Daniel B. Snyder as a result of the subject incident. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to this lawsuit may request an interview with any health care provider, health plan administrator, or other individual in connection with the aforementioned health information and payments therefore (such information collectively referred to hereafter as "Protected Health Information"). Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.

This Order authorizes any third party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee of the attorney or party. The parties are prohibited from using or disclosing the protected health information for any purpose other than this litigation or proceeding for which such information was requested" pursuant to the requirements of 45 C.F.R. § 164.512(e)(1)(v)(A).

At the immediate conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order. If a written request is not made at the immediate conclusion of this action, all recipients of the Protected Health Information reserve the right to destroy such documents and any copies thereof containing Protected Health Information received by them pursuant to this Order. Such Protected Health Information received in an insurance claim file and law firm litigation file may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

A photocopy of the Order shall be deemed as an original.

DONE this 19th day of October, 2018.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Cas
25-

ELECTRONICALLY FILED
1/7/2019 2:28 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

AIR METHODS D/B/A LIFE SAVER

CUSTODIAN OF RECORD
1822 PINEVIEW CIRCLE
RAINBOW CITY, AL 35906

A. Issued at the request of :

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

You may contact: KENDALL A. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 01/22/2019 09:00 AM

ROOM: _____

ADDRESS: Parsons Lee & Juliano
600 Vestavia Parkway Suite 300
Birmingham, AL 35216

DATE ISSUED: 1/7/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Appearance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____

on _____

Signature and Title of Server

(For Criminal cases only)

☐ **Served By Mail**

Date Mailed _____

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala.R.Civ.P. 45(a) (3) (C), the production of documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c) (2) (B), which is set out below.

Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(3) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(4) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(5) A person responding to a subpoena need not provide discovery of electronically stored information from sources the person identifies to the requesting party as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(B). The court may specify conditions regarding the production of the discovery.

(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

CIVIL ACTION NO.
CV-2016-900001

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Air Methods d/b/a Life Saver
Attn: Custodian of Records
1822 Pineview Circle
Rainbow City, Alabama 35906

Pursuant to Rule 45 of the Alabama Rules of Civil Procedure you are hereby commanded to do each of the following acts at the instance of the Plaintiff, **Marina Stewart-Magee**, within fifteen (15) days after service of this subpoena:

That you produce a certified, accurate, legible, and complete copy of original records and permit the Plaintiff to inspect and copy each of the following documents:

All medical records, patient charts, patient care reports, logs, histories, notes, correspondence, flight information, and all other records and materials concerning the following patient/individual:

Daniel Benjamin Snyder
DOB: 8/26/1974
SSN: xxx-xx-6318
Date of Service: 7/6/2014

The produced documents shall include all documents in your possession regarding the above-named patient, regardless of whether or not said documents are considered to be part of the chart or medical record and regardless of whether or not said documents or records were originally generated by you or by some other health care provider. **Nothing in this subpoena permits disclosure of confidential communications, made for the purposes of diagnosis or treatment**

of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this subpoena permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed, and that no such objection has been raised. See 45 C.F.R., Subpart E, § 164.512(e)(1), and see accompanying documentation.

Plaintiff agrees to pay all reasonable expenses incurred by you in connection with the production of said documents. Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail a certified, accurate, legible and complete copy of the requested documents and records to Kendall A. Lee, Parsons, Lee & Juliano, P.C., 600 Vestavia Parkway, Suite 300, Birmingham, Alabama 35216, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in relevant part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ala. R. Civ. P. 45(c)-(d)(1)(2).

Dated this 7th day of January, 2018. ⁹

/s/ Kendall A. Lee

Kendall A. Lee (LEE091)

Attorney for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

klee@pljpc.com

RETURN ON SERVICE:Executed by leaving a copy with _____

Clerk of the Courton this the _____ day of _____,
2018.By _____
Deputy ClerkBY: _____
Deputy Sheriff or
Process Server



FILED
10/19/2018 6:11 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA AGDASOVNA SHARIFULLINA,
DECEASED MARINA STE,
Plaintiff,

V.

SNYDER DANIEL B.,
WHITLOCK JEFFREY HOWARD,
WHITLOCK JEFFREY HUNTER,
Defendants.

Case No.: CV-2016-900001.00

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties are permitted to inspect and copy all health information relating to the medical treatment and physical condition of Daniel B. Snyder following the incident made the basis of this lawsuit, including all information relating to the provision of health care to Daniel B. Snyder as a result of the subject incident. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to this lawsuit may request an interview with any health care provider, health plan administrator, or other individual in connection with the aforementioned health information and payments therefore (such information collectively referred to hereafter as "Protected Health Information"). Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.

This Order authorizes any third party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee of the attorney or party. The parties are prohibited from using or disclosing the protected health information for any purpose other than this litigation or proceeding for which such information was requested" pursuant to the requirements of 45 C.F.R. § 164.512(e)(1)(v)(A).

At the immediate conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order. If a written request is not made at the immediate conclusion of this action, all recipients of the Protected Health Information reserve the right to destroy such documents and any copies thereof containing Protected Health Information received by them pursuant to this Order. Such Protected Health Information received in an insurance claim file and law firm litigation file may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

A photocopy of the Order shall be deemed as an original.

DONE this 19th day of October, 2018.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
As Administrator and Personal)
Representative of the ESTATE OF)
ALBINA AGDASOVNA)
SHARFIFULLINA, deceased,)
)
Plaintiff,)
)
v.)
)
DANIEL B. SNYDER, *et al.*)
)
Defendant.)

Civil Action No.: CV 2016-900001

DEFENDANTS MOTION TO CONTINUE

COME NOW, the Defendants, Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock (“Whitlocks”) and move this Court to enter an Order continuing the Trial of this case from its current setting and as grounds for such show unto the Court as follows:

1. This case is currently set for a jury Trial the week of February 11, 2009.
2. The Plaintiff filed an Amended Complaint on July 12, 2018 adding the Whitlocks as party Defendants in this case.
3. Jeffrey Howard Whitlock was served with the Amended Complaint on July 27, 2018 and an Answer was filed on his behalf on August 12, 2018.
4. Jeffery Hunter Whitlock was served with the Complaint on or about October 30, 2018 (Alacourt shows November 30, 2018) and an Answer was filed on his behalf on October 30, 2018.
5. Considerable discovery was completed, including the taking of several depositions, prior to the Whitlocks being added as parties to this lawsuit.

6. The Whitlocks have not had sufficient time to adequately prepare to defend themselves in this case and need time to conduct additional discovery.

7. No party will be prejudiced by a continuance of the Trial.

WHEREFORE, premises considered, Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock pray that this Court will enter an Order continuing the Trial of this case from its current setting for the foregoing reasons.

/s/ David R. Wells
DAVID R. WELLS (WEL016)
Attorney for the Defendant,
Jeffrey Hunter Whitlock

OF COUNSEL:

MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203
(205) 639-5300
(205) 639-5350 *facsimile*
dwells@wmslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a complete copy of the foregoing instrument upon the following attorney of record via the electronic ALAFILE system, on this 7th day of January, 2019.

Mark W. Lee
Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway
Suite 300
Birmingham, AL 35216
(205) 326-6600
mlee@pljpc.com
klee@pljpc.com

Daniel S. Wolter
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive
Suite 100
Birmingham, AL 35223
dwolter@wolterlawfirm.com

/s/ David R. Wells
OF COUNSEL

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Case Number:
25-CV-2016-900001.00

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

AIR METHODS D/B/A LIFE SAVER

CUSTODIAN OF RECORD
1822 PINEVIEW CIRCLE
RAINBOW CITY, AL 35906

W017

A. Issued at the request of:

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

You may contact: KENDALL A. LEE POST OFFICE BOX 861228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 1/22/2019 9:00:00 AM

ROOM: _____

ADDRESS: Parsons Lee & Juliano

600 Vestavia Parkway Suite 300

Birmingham, AL 35216

DATE ISSUED: 1/7/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Appearance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA You are ordered to see
OR ANY AUTHORIZED PERSON: court.

RETURN ON S

I certify that I personally delivered a copy of this order to _____

on _____

Signature and Title of Server



25-CV-2016-900001.00-W017

**U.S. Postal Service™
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For delivery information, visit our website at www.usps.com™.

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent 1

Air Methods d/b/a Life Saver

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Case Number:
25-CV-2016-900001.00

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

DR. DAVID J. GRAY

4601 WHITESBURG DRIVE SE
SUITE 103
HUNTSVILLE, AL 35802

W016

A. Issued at the request of:

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

You may contact: KENDALL A. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 1/22/2019 9:00:00 AM

ROOM: _____

ADDRESS: Parsons Lee & Juliano

600 Vestavia Parkway Suite 300

Birmingham, AL 35216

DATE ISSUED: 1/7/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Attendance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve court.

RETURN ON SI

I certify that I personally delivered a copy of this order to _____

on _____

Signature and Title of Server



25-CV-2016-900001.00-W016

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016-190001 Subp

Certified Mail Fee		Postmark Here
\$		
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage		
\$		
Total Postage and Fees		
Sent To		
Dr. David J. Gray		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4 [®]		

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Case 5:22-cv-00010-MH Document 1-3 Filed 01/04/22 Page 105 of 245

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Case Number:
25-CV-2016-900001.00

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

HUNTSVILLE HOSPITAL

CUSTODIAN OF RECORD
101 SIVLEY ROAD
HUNTSVILLE, AL 35801

W015

A. Issued at the request of:

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

You may contact: KENDALL A. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 1/22/2019 9:00:00 AM

ROOM: _____

ADDRESS: Parsons Lee & Juliano
600 Vestavia Parkway Suite 300
Birmingham, AL 35216

DATE ISSUED: 1/7/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Appearance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA You are ordered to serve
OR ANY AUTHORIZED PERSON: court.

RETURN ON SER

I certify that I personally delivered a copy of this order to _____

on _____

Signature and Title of Server

25-CV-2016-900001.00-W015

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
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For delivery information, visit our website at www.usps.com®.

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage

\$ _____

Total Postage and Fees

\$ 7.09

Sent To

Huntsville Hospital

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



MUDD, BOLVIG, LUKE & WELLS, LLC
ATTORNEYS AND COUNSELORS AT LAW

2011 4TH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203

David R. Wells
dwells@wmrlawfirm.com

Tax id#26-1495518

(205) 639-5300
TELECOPIER (205) 639-5350

January 9, 2019

Hon. Sibley G. Reynolds
19th Judicial Circuit
134 N. Court Street
Prattville, AL 36067

Hon. Bud Turner
7th Judicial Court
25th West 11th Street
Anniston, AL 36201

Hon. Martha E. Williams
32nd Judicial Circuit
500 2nd Avenue SW
Cullman, AL 35505

Re: Marina Stewart-Magee, *et al.* v. Jeffrey Howard Whitlock, *et al.* (Williams)
In the Circuit Court of Cullman County, Alabama
Civil Action No.: CV-2016-900001

Walter Stoudemire v. Otis Tyus, *et al.* (Reynolds)
In the Circuit Court of Autauga County, Alabama
Civil Action No.: CV 2017-900157

Patricia Ann Hancock v. Jermika Sheree Bradford (Turner)
In the Circuit Court of Calhoun County, Alabama;
Civil Action No.: CV-2017-900451

Your Honors:

I currently have the above-captioned cases set for trial the week of **February 11, 2019**.

The purpose of this correspondence is not to suggest that any case take priority over any other case, nor I am requesting any action by the Courts at this time.

The purpose of this letter is merely to advise the Courts and opposing counsel of the potential conflict in accordance with the administrative rules of Court.

MUDD, BOLVIG, LUKE & WELLS, LLC

January 9, 2019

Page 2

Yours truly,

David R. Wells

David R. Wells

DRW/saj

cc: All counsel of record



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE, WHO
SUES AS ADMINISTRATOR AND
PERSONAL REPRESENTATIVE OF
THE ESTATE OF ALBINA
AGDASOVNA SHARIFULLINA,
DECEASED,

Plaintiff,

CIVIL ACTION No. CV 2016-900001

v.

DANIEL B. SNYDER, ET AL.,

Defendants.

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Take notice that upon expiration of fifteen (15) days from the date of service of this notice the plaintiff, Marina Stewart-Magee, will apply to the Clerk of this Court for issuance of the attached subpoena directed to AT&T NATIONAL COMPLAINT CENTER who is not a party and whose address is 11760 U.S. Highway One, Suite 600, North Palm Beach, FL 33408 to produce copies of the documents specified in the attached subpoena.

s/Mark W. Lee

Mark W. Lee (LEE003)

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, AL 35216
(205) 326-6600

CERTIFICATE OF SERVICE

I hereby certify that I have on this 10th day of January, 2019 electronically filed the foregoing pleading with the Clerk of the Court using the Alafile system which will send notification of such filing to the following counsel of record:

Daniel S. Wolter
Daniel Wolter Law Firm, LLC
402 Office Park Drive, Suite 100
Birmingham, AL 35223

David R. Wells, Esq.
Whitaker, Mudd, Luke & Wells, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

s/Mark W. Lee
OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE, WHO
 SUES AS ADMINISTRATOR AND
 PERSONAL REPRESENTATIVE OF
 THE ESTATE OF ALBINA
 AGDASOVNA SHARIFULLINA,
 DECEASED,

Plaintiff,

v.

DANIEL B. SNYDER, ET AL.,

Defendant.

CIVIL ACTION No. CV 2016-900001

**CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS
 UNDER RULE 45**

TO: Custodian of Records
AT&T NATIONAL COMPLAINT CENTER
11760 U.S. Highway One
Suite 600
North Palm Beach, FL 33408

You are hereby commanded to do each of the following acts at the instance of the plaintiff, Marina Stewart-Magee, within fifteen (15) days after service of this subpoena, (no sooner than 15 days unless ordered by the Court).

That you produce and permit defendant to inspect and copy each of the following documents:

Any and all usage with cell tower information for the cellular phone number (205) 901-2363, for the time period of July 5, 2014 through July 7, 2014.

Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you.

You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You have the option to deliver or mail legible copies of documents or things to MARK W. LEE, PARSONS, LEE & JULIANO, P.C., P.O. BOX 661228, BIRMINGHAM, AL 35266-1228, but you may condition such activity on your part upon the payment in advance by Parsons, Lee & Juliano, P.C. of the reasonable costs of the making of such copies. PLEASE ATTACH A COPY OF THE SUBPOENA.

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed and that no such objection has been raised. See 45 CFR, Subpart E, § 164.512(e)(1), and see accompanying documentation.

Rule 45 of the Alabama Rules of Civil Procedure provides, in part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

3(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
 - (ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(13)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
 - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DATED _____, 2019

s/Lisa McSwain
CLERK

s/Mark W. Lee
Mark W. Lee (LEE003)

OF COUNSEL:
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, AL 35216
(205) 326-6600

RETURN ON SERVICE: Executed by leaving a copy with _____ on this
the _____ day of _____, 2019.

SHERIFF

DEPUTY SHERIFF



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA	AGDASOVNA	
SHARIFULLINA, DECEASED MARINA)		
STE,		
Plaintiff,)	
)	
V.)	Case No.: CV-2016-900001.00
)	
SNYDER DANIEL B.,)	
WHITLOCK JEFFREY HOWARD,)	
WHITLOCK JEFFREY HUNTER,)	
Defendants.)	

ORDER of CONTINUANCE

The Court has received and reviewed the Motion To Continue filed herein on behalf of newly added Defendants, JEFFREY HOWARD WHITLOCK and JEFFREY HUNTER WHITLOCK, and the same is GRANTED for the reasons stated therein.

This matter is continued beyond its current 2/11/19 setting and shall be reset by the Clerk on the Court's next available Civil Jury Trial Docket thereafter.

DONE this 10th day of January, 2019.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Air Methods d/b/a Life
Cust. of Records Sayer
1822 Pineview Circle
Rainbow City, AL 35906
CV 16-90001 subp.



9590 9402 4518 8278 5576 39

2. Article Number (Transfer from service label)

7018 0680 0001 3962 7763

PS Form 3811, July 2015 PSN 7530-02-000-9053

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

Brynn Rountree

C. Date of Delivery

1/10/19

D. Is delivery restricted from the sender?
If YES, enter delivery address below: ☐ Yes ☒ No

JAN 14 2019

LISA MCSWAIN
CIRCUIT CLERK

CULLMAN COUNTY

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
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- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

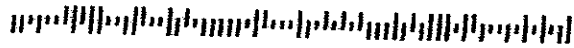
Domestic Return Receipt




9590 9402 4518 8278 5576 39

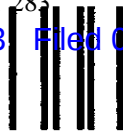
**United States
Postal Service**

* Sender: Please print your name, address, and ZIP+4® in this box*

**LISA McSWAIN, CIRCUIT CLERK
500 2ND AVE SW - ROOM 303
CULLMAN, AL 35055-4137****First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10**

SENDER: COMPLETE THIS SECTION		ADDRESSEE: COMPLETE THIS SECTION																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																	
<p>1. Article Addressed to:</p> <p>Huntsville Hospital Cust. of Records 101 Sixth Rd. Huntsville, AL 35801 CV# 900001 Subp.</p>  <p>9590 9402 4518 8278 5576 15</p>		<p>B. Received by (Printed Name) Robert W. Linder</p> <p>C. Date of Delivery 1/11/19</p>																	
<p>2. Article Number (Transfer from service label)</p> <p>7018 0680 0001 3962 7787</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>HUNTSVILLE AL 35801</p>																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> <p>USPS</p> <p>Automatic Return Receipt</p>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																		
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																		
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																		
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																		
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																		
<input type="checkbox"/> Insured Mail																			
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			

DOCUMENT 283



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USPS
Permit No. G-10

9590 9402 18 8278 5576 15

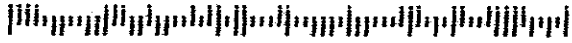
United States
Postal Service

FILED IN OFFICE

* Sender: Please print your name, address, and ZIP+4® in this box*

JAN 14 2019
LISA McSWAIN
CIRCUIT CLERK
CULLMAN COUNTY

LISA McSWAIN, CIRCUIT CLERK
500 2ND AVE SW - ROOM 303
CULLMAN, AL 35055-4137



State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Cas
25-



ELECTRONICALLY FILED
1/28/2019 12:17 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

A. Issued at the request of :

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

AT&T NATIONAL COMPLIANCE CENTER

11760 U.S. HIGHWAY ONE
SUITE 600
NORTH PALM BEACH, FL 33408

You may contact: MARK W. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 02/12/2019 09:00 AM

ROOM: _____

ADDRESS: Parsons, Lee & Juliano

600 Vestavia Parkway Suite 300

Birmingham, AL 35216

DATE ISSUED: 1/28/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
See Civil Subpoena Attached
No Attendance Required

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____

on _____

(For Criminal cases only)

☐ **Served By Mail**

Date Mailed _____

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala.R.Civ.P. 45(a) (3) (C), the production of documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c) (2) (B), which is set out below.

Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(3) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(4) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(5) A person responding to a subpoena need not provide discovery of electronically stored information from sources the person identifies to the requesting party as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(B). The court may specify conditions regarding the production of the discovery.

(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE, WHO
SUES AS ADMINISTRATOR AND
PERSONAL REPRESENTATIVE OF
THE ESTATE OF ALBINA
AGDASOVNA SHARIFULLINA,
DECEASED,

Plaintiff,

v.

DANIEL B. SNYDER, ET AL.,

Defendant.

CIVIL ACTION No. CV 2016-900001

**CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS
UNDER RULE 45**

TO: Custodian of Records
AT&T NATIONAL COMPLAINT CENTER
11760 U.S. Highway One
Suite 600
North Palm Beach, FL 33408

You are hereby commanded to do each of the following acts at the instance of the plaintiff, Marina Stewart-Magee, within fifteen (15) days after service of this subpoena, (no sooner than 15 days unless ordered by the Court).

That you produce and permit defendant to inspect and copy each of the following documents:

Any and all usage with cell tower information for the cellular phone number (205) 901-2363, for the time period of July 5, 2014 through July 7, 2014.

Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you.

You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You have the option to deliver or mail legible copies of documents or things to MARK W. LEE, PARSONS, LEE & JULIANO, P.C., P.O. BOX 661228, BIRMINGHAM, AL 35266-1228, but you may condition such activity on your part upon the payment in advance by Parsons, Lee & Juliano, P.C. of the reasonable costs of the making of such copies. PLEASE ATTACH A COPY OF THE SUBPOENA.

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the party causing the issuance of this subpoena hereby provides satisfactory assurance to you that this party has made reasonable efforts to ensure that the individual who is the subject of the requested protected health information has been given written notice of this request, that such notice included sufficient information about the litigation to permit the individual to raise an objection, that the time allowed for the individual to object has now elapsed and that no such objection has been raised. See 45 CFR, Subpart E, § 164.512(e)(1), and see accompanying documentation.

Rule 45 of the Alabama Rules of Civil Procedure provides, in part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

3(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(13)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DATED _____, 2019

s/Lisa McSwain
CLERK

s/Mark W. Lee
Mark W. Lee (LEE003)

OF COUNSEL:
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, AL 35216
(205) 326-6600

RETURN ON SERVICE: Executed by leaving a copy with _____ on this
the _____ day of _____, 2019.

SHERIFF

DEPUTY SHERIFF



10/19/2018 6:11 PM

25-CV-2016-900001.00

CIRCUIT COURT OF

CULLMAN COUNTY, ALABAMA

LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA AGDASOVNA SHARIFULLINA,
DECEASED MARINA STE,
Plaintiff,

V.

**SNYDER DANIEL B.,
WHITLOCK JEFFREY HOWARD,
WHITLOCK JEFFREY HUNTER,
Defendants.**

Case No.: CV-2016-900001.00

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties are permitted to inspect and copy all health information relating to the medical treatment and physical condition of Daniel B. Snyder following the incident made the basis of this lawsuit, including all information relating to the provision of health care to Daniel B. Snyder as a result of the subject incident. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to this lawsuit may request an interview with any health care provider, health plan administrator, or other individual in connection with the aforementioned health information and payments therefore (such information collectively referred to hereafter as "Protected Health Information"). Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.

This Order authorizes any third party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee of the attorney or party. The parties are prohibited from using or disclosing the protected health information for any purpose other than this litigation or proceeding for which such information was requested" pursuant to the requirements of 45 C.F.R. § 164.512(e)(1)(v)(A).

At the immediate conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order. If a written request is not made at the immediate conclusion of this action, all recipients of the Protected Health Information reserve the right to destroy such documents and any copies thereof containing Protected Health Information received by them pursuant to this Order. Such Protected Health Information received in an insurance claim file and law firm litigation file may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

A photocopy of the Order shall be deemed as an original.

DONE this 19th day of October, 2018.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

CIVIL ACTION NO.
CV-2016-900001

**PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES
FROM DEFENDANTS JEFF AND HUNTER WHITLOCK**

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, pursuant to Rule 37 of the Alabama Rules of Civil Procedure, and respectfully requests this Honorable Court to enter an Order requiring Defendants Jeffery Hunter Whitlock ("Hunter Whitlock") and Jeffery Howard Whitlock ("Jeff Whitlock") to promptly respond to the Plaintiff's outstanding discovery requests. As grounds for said Motion, Plaintiff submits the following:

1. On November 21, 2018, Plaintiff filed Interrogatories and a Request for Production of Documents to Defendant Hunter Whitlock. (Docs. 248-49). The deadline to respond to Plaintiff's discovery requests was December 21, 2018.

2. Plaintiff filed a similar set of Interrogatories and Request for Production of Documents to Defendant Jeff Whitlock on December 4, 2018. (Doc. 252-53). The deadline to respond to Plaintiff's discovery requests was January 3, 2019.

3. On January 3, 2019, Plaintiff's counsel sent an e-mail to counsel for Jeff and Hunter

Whitlock (David Wells) requesting Hunter Whitlock's discovery responses. See Ex. 1, E-mail from Kendall Lee to David Wells (Jan. 3, 2019). Mr. Wells responded to Plaintiff's counsel the following day, and stated that he was "working on th[em]." Ex. 2, E-mail from David Wells to Kendall Lee (Jan. 4, 2019).

4. On January 22, 2019, more than two weeks later, Plaintiff's counsel sent a second e-mail to Mr. Wells, requesting that Jeff and Hunter Whitlock respond to the Plaintiff's outstanding discovery. See Ex. 3, E-mail from Kendall Lee to David Wells (Jan. 22, 2019). Plaintiff's counsel also asked Mr. Wells to send her the discovery responses by January 24, 2019 to avoid the necessity of a motion to compel. Id. Mr. Wells did not respond to Plaintiff's counsel's e-mail, and the Whitlock defendants still have not responded to the Plaintiff's discovery requests.

5. Based on the foregoing, Plaintiff respectfully requests this Honorable Court to enter an Order compelling Defendants Jeff and Hunter Whitlock to promptly respond to the Plaintiff's outstanding discovery requests.

Respectfully submitted this 28th day of January, 2019.

/s/ Kendall A. Lee

MARK W. LEE (LEE003)

KENDALL A. LEE (LEE091)

Attorneys for Plaintiff

MARINA STEWART-MAGEE

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 28th day of January, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

David R. Wells, Esq.

Whitaker, Mudd, Luke & Wells, LLC

2011 4th Avenue North

Birmingham, Alabama 35203

dwells@wmslawfirm.com

Daniel S. Wolter, Esq.

Daniel Wolter Law Firm, LLC

402 Office Park Drive, Suite 100

Birmingham, Alabama 35223

dwolter@wolterlawfirm.com

/s/ Kendall A. Lee

OF COUNSEL

Exhibit 1

Kendall A. Lee

From: Kendall A. Lee
Sent: Thursday, January 03, 2019 3:40 PM
To: 'David Wells'
Cc: Mark Lee; Dyan D. Wurm
Subject: Hunter Whitlock's Discovery Responses -
Marina Stewart-Magee (Albina Sharifullina)
v. Daniel Snyder (1602-254)

Dear David:

We filed Interrogatories and a Request for Production of Documents to Hunter Whitlock on November 21, 2018. Thus far, there has been no response. Please respond to this outstanding discovery without the necessity of a motion. Thanks so much.

Kendall A. Lee | Attorney
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216
Telephone: (205) 326-6600
Facsimile: (205) 324-7097
klee@pljpc.com



PARSONS, LEE & JULIANO, P.C.

NOTICE: This message is directed to and is for the use of the above-noted addressee only, and its contents may be legally privileged or confidential. If the reader of this message is not the intended recipient, you are hereby notified that any distribution, dissemination, or copy of this message is strictly prohibited. If you have received this message in error, please delete it immediately and notify the sender. This message is not intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated herein.

Exhibit 2

Kendall A. Lee

From: David Wells <dwells@wmslawfirm.com>
Sent: Friday, January 04, 2019 5:02 PM
To: Kendall A. Lee
Cc: Mark Lee; Dyan D. Wurm
Subject: RE: Hunter Whitlock's Discovery Responses
- Marina Stewart-Magee (Albina Sharifullina) v. Daniel Snyder (1602-254)

Kendall,

I am working on these as well as the depositions dates you guys requested. In light of the fact this case is set for Trial on February 11th do you have any opposition to me filing a Motion to Continue?

Thank you,

David R. Wells

MUDD, BOLVIG, LUKE & WELLS, LLC

2011 4th Avenue North

Birmingham, AL 35203

(205) 639-5300 (Main)

(205) 639-5317 (Direct)

(205) 639-5350 (Facsimile)

www.wmslawfirm.com

This communication and all attachments may be subject to the attorney-client privilege and/or considered attorney work-product and is intended solely for the use of the addressee. If you are not the intended recipient, you should immediately stop reading this message and delete it from your system. Any unauthorized reading, distribution, copying, or other use of this message, or its attachments, is strictly prohibited. If you received this message in error, please notify me immediately at 205-639-5300.

Exhibit 3

Kendall A. Lee

From: Kendall A. Lee
Sent: Tuesday, January 22, 2019 5:44 PM
To: 'David Wells'
Cc: Mark Lee; Dyan D. Wurm
Subject: Second Request for Discovery Responses -
Marina Stewart-Magee (Albina Sharifullina)
v. Daniel Snyder (1602-254)

David:

Hunter and Jeff Whitlock's discovery responses are both overdue. Hunter's responses were due on December 21st and Jeff's responses were due on January 4th.

Please send me the responses by Thursday, January 24th. I will be filing a motion to compel if I do not receive them by then. Thanks so much.

Kendall A. Lee | Attorney
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216
Telephone: (205) 326-6600
Facsimile: (205) 324-7097
klee@pljpc.com



PARSONS, LEE & JULIANO, P.C.

NOTICE: This message is directed to and is for the use of the above-noted addressee only, and its contents may be legally privileged or confidential. If the reader of this message is not the intended recipient, you are hereby notified that any distribution, dissemination, or copy of this message is strictly prohibited. If you have

State of Alabama Unified Judicial System Form C-13 (front) Rev. 4/18	ORDER TO APPEAR (SUBPOENA)	Case Number: 25-CV-2016-900001.00
--	---------------------------------------	---

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama
☐ Municipality of _____
☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**
 (For Juvenile cases only):
☐ In the Matter of _____

A. Issued at the request of:

- ☒ Plaintiff/State
- ☐ Defendant
- ☐ Grand Jury

B. Special Instructions

You are ordered to:

- ☐ Appear at trial
- ☒ Produce records or documents-See attached schedule(s)
- ☐ Appear at deposition
- ☐ Other _____

AT&T NATIONAL COMPLIANCE CENTER

 11760 U.S. HIGHWAY ONE
 SUITE 600
 NORTH PALM BEACH, FL 33408

 W018

You may contact: MARK W. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 2/12/2019 9:00:00 AM

ROOM: _____

ADDRESS: Parsons, Lee & Juliano
600 Vestavia Parkway Suite 300
Birmingham, AL 35216

DATE ISSUED: 1/28/2019

/s/ LISA MCSWAIN
 Signature of Court Clerk Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Produce Documents Only
 See Civil Subpoena Attached
 No Attendance Required


TO ANY SHERIFF OF THE STATE OF ALABAMA You are ordered to serve this order on the above named person and make return to this court.

OR ANY AUTHORIZED PERSON: _____

RETURN ON SE

I certify that I personally delivered a copy of this order to _____ on _____

Signature and Title of Server



25-CV-2016-900001.00-W018

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

25-CV-2016-900001.00-W018

Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____
Postage \$ _____	Total Postage and Fees \$ <u>7.10</u>
Sent To <u>AT&T</u> Street and Apt. No., or PO Box No. _____ City, State, ZIP+4 [®] _____	

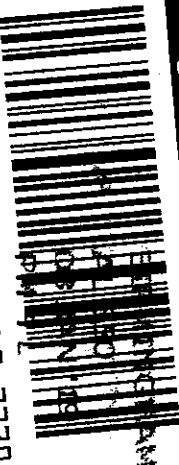
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



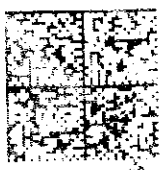
LISA McSWAIN, CIRCUIT CLERK
ROOM 303 COURTHOUSE
500 2ND AVENUE, S.W.
CULLMAN, ALABAMA 35055

To: DR. DAVID J. GRAY
4601 WHITESBURG DRIVE SE
SUITE 103
HUNTSVILLE, AL, 35802

350627164752E



7018 0680 0001 3962 7770



U.S. POSTAGE & PAYMENT BY FIRST CLASS PERMIT NO. 1000 NEW YORK, NY
AMERICAN SMOKELESS TOBACCO COMPANY
 1000 NEW YORK, NY 10017
 7/9/2005 \$007.09
 02 AM
 0000455231 JAN 28 2019

2111

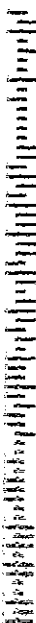
DE J

67/9T/T.000

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dr. David J. Gray
460 Whitesburg Dr SE
Huntsville, AL 35802
CIV-90001 subp



9590 9402 4518 8278 5576 22

2. Article Number (Transfer from service label)

7018 0680 0001 3962 7770

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

- 3. Service Type**
- ☐ Adult Signature Restricted Delivery
 - ☐ Adult Signature Restricted Delivery Merchandise
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery Restricted Delivery
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IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased**, and gives notice of serving the following discovery documents on all counsel of record in the above-captioned lawsuit:

- ☒ Plaintiff's Notice of Deposition of Defendant Jeff Whitlock; and
- ☒ Plaintiff's Notice of Deposition of Defendant Hunter Whitlock.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
Kendall A. Lee (LEE091)
Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 4th day of February, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

Daniel S. Wolter, Esq.
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

/s/ Mark W. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**PLAINTIFF'S NOTICE OF DEPOSITION
OF DEFENDANT JEFF WHITLOCK**

TO: David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Alabama Rules of Civil Procedure, Plaintiff Marina Stewart-Magee, by and through her attorneys, Mark W. Lee and Kendall A. Lee, will take the deposition upon oral examination of Defendant Jeffery Howard Whitlock ("Jeff Whitlock") for the purpose of discovery and/or for use as evidence in the above-captioned lawsuit.

Deponent's Name: Jeff Whitlock

Date: April 1, 2019

Time: 9:00 a.m.

Location: Parsons, Lee & Juliano, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

Court Reporter: Freedom Reporting

/s/ Mark W. Lee

MARK W. LEE (LEE003)

KENDALL A. LEE (LEE091)

Attorneys for Plaintiff

MARINA STEWART-MAGEE

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

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mlee@pljpc.com

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Daniel S. Wolter, Esq.

DANIEL WOLTER LAW FIRM, LLC

402 Office Park Drive, Suite 100

Birmingham, Alabama 35223

dwolter@wolterlawfirm.com

/s/ Mark W. Lee

OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**PLAINTIFF'S NOTICE OF DEPOSITION
OF DEFENDANT HUNTER WHITLOCK**

TO: David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Alabama Rules of Civil Procedure, Plaintiff Marina Stewart-Magee, by and through her attorneys, Mark W. Lee and Kendall A. Lee, will take the deposition upon oral examination of Defendant Jeffery Hunter Whitlock ("Hunter Whitlock") for the purpose of discovery and/or for use as evidence in the above-captioned lawsuit.

Deponent's Name: Hunter Whitlock

Date: April 1, 2019

Time: 1:00 p.m.

Location: Parsons, Lee & Juliano, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

Court Reporter: Freedom Reporting

/s/ Mark W. Lee

MARK W. LEE (LEE003)

KENDALL A. LEE (LEE091)

Attorneys for Plaintiff

MARINA STEWART-MAGEE

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 4th day of February, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

David R. Wells, Esq.

WHITAKER, MUDD, LUKE & WELLS, LLC

2011 4th Avenue North

Birmingham, Alabama 35203

dwells@wmslawfirm.com

Daniel S. Wolter, Esq.

DANIEL WOLTER LAW FIRM, LLC

402 Office Park Drive, Suite 100

Birmingham, Alabama 35223

dwolter@wolterlawfirm.com

/s/ Mark W. Lee

OF COUNSEL

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Cas
25-



ELECTRONICALLY FILED
2/4/2019 2:11 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

MARILYN WHITLOCK

2250 BEAVER CREEK ROAD
COLUMBIANA, AL 35051

A. Issued at the request of :

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☐ Produce records or documents-See attached schedule(s)

3. ☒ Appear at deposition

4. ☐ Other _____

You may contact: MARK W. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 03/08/2019 09:00 AM

ROOM: Large Conference Room

ADDRESS: Parsons, Lee & Juliano, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, AL 35216

DATE ISSUED: 2/4/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____

on _____

(For Criminal cases only)

☐ **Served By Mail**

Date Mailed _____

Signature and Title of Server _____

Sheriff _____

Deputy Sheriff _____

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala.R.Civ.P. 45(a) (3) (C), the production of documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c) (2) (B), which is set out below.

Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(3) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(4) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(5) A person responding to a subpoena need not provide discovery of electronically stored information from sources the person identifies to the requesting party as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(B). The court may specify conditions regarding the production of the discovery.

(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Cas
25-



ELECTRONICALLY FILED
2/4/2019 2:21 PM
25-CV-2016-900001.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **MARINA STEWART-MAGEE, WHO SUES AS ADMINISTRATOR AND PERSONAL REPRESENT**

(For Juvenile cases only):

☐ In the Matter of _____

A. Issued at the request of :

1. ☒ Plaintiff/State

2. ☐ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☐ Produce records or documents-See attached schedule(s)

3. ☒ Appear at deposition

4. ☐ Other _____

MARY HOLLACE WHITLOCK

713 SAULTER LANE
BIRMINGHAM, AL 35209

You may contact: MARK W. LEE POST OFFICE BOX 661228 BIRMINGHAM, AL 35266 (205) 326-6600

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 03/08/2019 01:00 PM

ROOM: Large Conference Room

ADDRESS: Parsons, Lee & Juliano, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, AL 35216

DATE ISSUED: 2/4/2019

/s/ LISA MCSWAIN

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON: You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I certify that I personally delivered a copy of this order

to _____

on _____

(For Criminal cases only)

☐ **Served By Mail**

Date Mailed _____

Signature and Title of Server _____

Sheriff _____

Deputy Sheriff _____

NOTICE

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Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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(4) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(5) A person responding to a subpoena need not provide discovery of electronically stored information from sources the person identifies to the requesting party as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(B). The court may specify conditions regarding the production of the discovery.

(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA	AGDASOVNA	
SHARIFULLINA, DECEASED MARINA)		
STE,		
Plaintiff,)	
)	
V.)	Case No.: CV-2016-900001.00
)	
SNYDER DANIEL B.,)	
WHITLOCK JEFFREY HOWARD,)	
WHITLOCK JEFFREY HUNTER,)	
Defendants.)	

ORDER

The Court has received and reviewed the Motion To Compel filed herein on behalf of Plaintiff. To the extent that Defendants JEFFREY HOWARD WHITLOCK and JEFFREY HUNTER WHITLOCK have not fully responded to all outstanding Discovery, they shall do so within 30 days of this Order.

DONE this 5th day of February, 2019.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
As Administrator and Personal)
Representative of the ESTATE OF)
ALBINA AGDASOVNA)
SHARFIFULLINA, deceased,)
)
Plaintiff,)
)
v.)
)
DANIEL B. SNYDER, *et al.*)
)
Defendant.)

Civil Action No.: CV 2016-900001

MOTION FOR SUMMARY JUDGMENT

COME NOW the Defendants, Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock, and pursuant to Rule 56 of the Alabama Rules of Civil Procedure, move this Honorable Court to enter an Order granting summary judgment in their favor and dismiss all claims asserted against these Defendants (Count One-Negligence and Wantonness), on the ground that the Plaintiffs' First Amended Complaint substituting Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock for fictitious plaintiffs is barred by the statute of limitations. This motion is based upon the following:

1. The **Complaint** of the plaintiff, **Marina Stewart-Magee**, attached hereto as Exhibit "A";
2. The **First Amended Complaint** of the plaintiff, **Marina Stewart-Magee**, attached hereto as Exhibit "B";
3. The sworn **deposition testimony** of the Defendant, **Daniel Snyder**, a copy of which are attached hereto as Exhibit "C"
4. The sworn **deposition testimony** of the Defendant, **Jeffrey Howard Whitlock**, a copy of which are attached hereto as Exhibit "D";
5. The sworn **deposition testimony** of Defendant, **Jeffrey Hunter Whitlock**, a copy of which are attached hereto as Exhibit "E."

WHEREFORE, PREMISES CONSIDERED, Defendants, Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock move this Honorable Court to enter an Order granting Summary Judgment in their favor and to make same final pursuant to Rule 54(b) of the Alabama Rules of Civil Procedure, as there is no just reason for delay.

/s/ David R. Wells

DAVID R. WELLS (WEL016)

Attorney for the Defendants,

Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock

OF COUNSEL:

MUDD, BOLVIG, LUKE & WELLS, LLC

2011 4th Avenue North

Birmingham, AL 35203

(205) 639-5300

(205) 639-5350 *facsimile*

dwells@wmslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a complete copy of the foregoing instrument upon the following attorney of record via the electronic ALAFILE system, on this 6th day of February, 2019.

Mark W. Lee

Kendall A. Lee

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway

Suite 300

Birmingham, AL 35216

(205)326-6600

mlee@pljpc.com

klee@pljpc.com

Daniel S. Wolter

DANIEL WOLTER LAW FIRM, LLC

402 Office Park Drive

Suite 100

Birmingham, AL 35223

dwolter@wolterlawfirm.com

/s/ David R. Wells

OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)	
As Administrator and Personal)	
Representative of the ESTATE OF)	
ALBINA AGDASOVNA)	
SHARFIFULLINA, deceased,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: CV 2016-900001
)	
DANIEL B. SNYDER, <i>et al.</i>)	
)	
Defendant.)	

DEFENDANTS MEMORANDUM BRIEF IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

COME NOW, the Defendants, Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock (hereinafter “the Whitlocks”), by and through its undersigned counsel and file this memorandum brief in support of their Motion for Summary Judgment and pursuant to Rule 56 of the Alabama Rules of Civil Procedure, move this Honorable Court to enter an Order granting judgment as a matter of law in their favor and dismissing the claims against them, with prejudice.

INTRODUCTION

This case arises from a Sea Doo collision on Smith Lake that occurred on or about July 5, 2014. The Plaintiff filed her Complaint on January 5, 2016. In the Complaint, the Plaintiff alleged causes of action for negligence and wantonness action against Defendant Daniel Snyder as well as various fictitiously named Defendants.

Since the Plaintiff filed her Complaint, numerous depositions have been taken including the depositions of Daniel Snyder, Jeffrey Hunter Whitlock, and Jeffrey Howard Whitlock. Despite the Whitlocks’ depositions being taken prior to the statute of limitations expiring, the Plaintiff’s

Complaint adding the Whitlocks as party Defendants was not filed until July 12, 2018, after the two-year statute of limitations had expired.

NARRATIVE STATEMENT OF UNDISPUTED FACTS

Daniel Snyder was deposed by the Plaintiff's attorney at that time, Stephen D. Heninger, on June 14, 2016. (See Deposition of Daniel Snyder). During Snyder's deposition he identified both Jeff and Hunter Whitlock and testified that he had been at their home the evening of July 5, 2014. (See Deposition of Daniel Snyder, pages 31-39). In fact, during the deposition Mr. Heninger repeatedly referred to the statements both Jeff and Hunter Whitlock gave law enforcement personnel during their investigation of the Sea Doo collision (See Deposition of Daniel Snyder, pages 37-39). Subsequently, Mr. Heninger deposed Jeff and Hunter Whitlock on August 1, 2017. (See Depositions of Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock).

STANDARD OF REVIEW

Summary judgment is proper where the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show first, that there is no genuine issue as to any material fact and second, that the moving party is entitled to judgment as a matter of law. *See* Ala. R. Civ. P. 56(c)(3); *Accord King v. Winn-Dixie of Montgomery, Inc.*, 565 So. 2d 12, 13 (Ala. 1990). Initially, the moving party bears the burden of demonstrating the two prongs of this standard. *See Maharry v. City of Gadsden*, 587 So. 2d 966, 968 (Ala. 1991). Once this showing is made, however, the burden shifts to the non-moving party to rebut the showing. *See Id.*, at 968. In order to rebut the moving party's showing, the non-moving party must present substantial evidence in support of each element of his or her claims that creates a genuine issue of material fact. *See McAfee v. Shredders, Inc.*, 650 So. 2d 871, 872 (Ala. 1994). Substantial evidence is "evidence of

such weight and quality that fair-minded persons in the exercise of impartial judgment can reasonably infer the existence of the fact sought to be proved.” *See West v. Founders Life Assurance Co.*, 547 So. 2d 870, 871 (Ala. 1989). Mere speculation and conclusory allegations are not sufficient to create a genuine issue of material fact for trial. *See Riggs v. Bell*, 564 So. 2d 882 (Ala. 1990). “If the burden of proof at trial is on the nonmovant, the movant may satisfy Rule 56 burden of production either by submitting affirmative evidence that negates an essential element in the nonmovant’s claim, or assuming discovery has been completed, by demonstrating to the trial court that the nonmovant’s evidence is insufficient to establish an essential element of the nonmovant’s claim” *Carraway v. Kurtis*, 987 So. 2d 512, 515 (Ala. 2007).

ARGUMENT

I. Plaintiff’s Amended Complaint substituting Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock for fictitiously named defendants does not relate back and is barred by the statute of limitations because the Plaintiff did not act with due diligence in discovering the Whitlocks’ identity.

The Plaintiff’s Amended Complaint was filed on July 12, 2018, more than two years after the accident giving rise to the Plaintiff’s claims. The Plaintiff’s Amended Complaint alleges causes of action against the Whitlocks for negligence, wantonness and recklessness. The Plaintiff’s claims against the Whitlocks is governed by a two-year statute of limitations. §6-2-38(l) ALA CODE 1975; *Booker v. United American Ins. Co.*, 700 So. 2d 1333, 1340 (Ala. 1997).

Because the Plaintiff added Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock as Defendants more than two years after the accident giving rise to the Plaintiff’s claims, the Plaintiff can only avoid the statute of limitations bar only if she complied with the relation back rule provided in Rule 15(c)(4) of the Alabama Rules of Civil Procedure. That Rule states that an amended complaint relates back to the date of the original complaint when “relation back is

permitted by principles applicable to fictitious party practice pursuant to Rule 9(h).”

In turn, Rule 9(h) provides:

When a party is ignorant of the name of an opposing party and so alleges in the party's pleading, the opposing party may be designated by any name, and when that party's true name is discovered, the process and all pleadings and proceedings in the action may be amended by substituting the true name.

Thus, Rule 9(h) and Rule 15(c) allow a plaintiff to avoid the bar of a statute of limitations by fictitiously naming defendants for which actual parties can later be substituted. *Ex parte Chemical Lime of Alabama, Inc.*, 916 So. 2d 594, 597 (Ala. 2005).

However, to take advantage of Rule 9(h), a plaintiff must use due diligence in determining the true identity of the fictitiously named defendant. *Fulmer v. Clark Equipment Co.*, 654 So. 2d 45, 46 (Ala. 1995). “The correct standard for determining whether a party exercised due diligence in attempting to ascertain the identity of the factiously named defendant ‘is whether the plaintiff knew, or should have known, or was on notice, that the substituted defendants were in fact the parties described fictitiously.’” *Ex parte Nationwide Ins. Co.*, 991 So. 2d 1287 (Ala. 2008). “It is incumbent upon the plaintiff to exercise due diligence both *before* and after the filing of the complaint. Only if the plaintiff has acted with due diligence in discovering the true identity of a fictitiously named defendant will an amendment substituting such a party relate back to the filing of the original complaint.” *Ex parte Nicholson Manufacturing Ltd.*, 182 So. 3d 510, 514 (Ala. 2015)(emphasis in original).

Additionally, the Alabama Supreme Court has established that in order to avoid the bar of a statute of limitations when a plaintiff amends a complaint to identify a fictitiously named defendant, the plaintiff

(1) must state a cause of action against the party named fictitiously in the body of the original complaint and (2) must be ignorant of the identity of the fictitiously

named party, in the sense of having no knowledge at the time of the filing that the later-named party was in fact the party intended to be sued.

Crawford v. Sundback, 678 So.2d 1057, 1059 (Ala. 1996).

Moreover, for a plaintiff to be deemed ignorant of the identity of a fictitiously named defendant, the plaintiff must have exercised due diligence to identify the party intended to be sued:

A plaintiff is ignorant of the identity of a fictitiously named defendant when, after exercising due diligence to ascertain the identity of the party intended to be sued, he lacks knowledge at the time of the filing of the complaint of facts indicating to him that the substituted party was the party intended to be sued. Likewise, to invoke the relation-back principle of Rule 15(c), a plaintiff, after filing suit, must proceed in a reasonably diligent manner to determine the true identity of a fictitiously named defendant and to amend his complaint accordingly.

Ex parte FMC Corp., 599 So.2d 592, 593–94 (Ala. 1992).

In *Ex parte Integra LifeSciences Corp.*, the Alabama Supreme Court granted mandamus relief where the plaintiff failed to name a substitution for a fictitiously named defendant within the statute of limitations period even though its identity was discoverable by reasonable diligence. *Ex parte Integra LifeSciences Corp.*, (*In re Brooks v. Outlaw, MD, et al.*), No. 1170692, 2018 WL 4090569, at *1 (Ala. August 24, 2018). In that case, Tawni Brooks underwent double mastectomy and breast reconstruction surgery at Springhill Memorial Hospital in Mobile. *Id.* Brooks experienced complications from the surgery that were later revealed to potentially be related to surgical mesh implanted in her body. *Id.*

In March 2016, Brooks requested a copy of her medical records from Springhill and stated on the form that the reason she was requesting her medical records was to determine “what kind of mesh” had been used in her procedure. *Id.* In March 2016, Brooks sued the doctor who performed the surgery and various fictitiously named defendants. *Id.* In January 2017, Brooks amended her complaint to substitute two surgical mesh manufacturers for the fictitiously named

defendants. *Id.* Those defendants informed Ms. Brooks that her medical records indicated that the mesh used in Ms. Brooks' surgery had been manufactured by a company that had been acquired by Integra LifeSciences Corporation ("Integra") in 2015 and by Atrium Medical Corporation ("Atrium"). *Id.* In March 2017, Brooks filed her second amended complaint substituting Integra and Atrium for the fictitiously named defendants *Id.*

Integra moved for summary judgment on the grounds that Brooks' claims were barred by the applicable statute of limitations and that the second amended complaint did not relate back to the original complaint because, Brooks had been provided documents that specifically identified SurgiMend, an Integra product, as the mesh used in her procedure. *Id.* at *2. In finding that Brooks' claim against Integra was barred, the Alabama Supreme Court reasoned if Brooks had made a reasonable inquiry into what kind of mesh was used in her surgery, it would have resulted in the discovery of Integra's identity. *Id.* at *4. The Court provided a specific example of how such an inquiry would have resulted in discovering the identity of Integra. *Id.* In its example, the Court stated that at all relevant times, information about SurgiMend, including SurgiMend's manufacturer, could be found on SurgiMend's website as well as Integra's website. *Id.* The Alabama Supreme Court found that because the plaintiff in the *Integra* case did not make a reasonable inquiry as to what SurgiMend was, the plaintiff had not acted with due diligence in discovering the identity of Integra. *Id.* at *5.

Additionally, in May 2014, two separate accidents occurred on a bridge near Mobile when a vehicle struck a "buffer vehicle" behind an American Sweeping, Inc. street sweeper. *Ex parte American Sweeping, Inc. (In re: Ala. Dept. of Transportation v. T&S Trucking, LLC)*, No. 1170461 27 ALW 36-6, at *5 (*Bald. Cty. Cir. Ct.* August 31, 2018). The second accident happened when

a tractor trailer driven by William McRae and owned by T&S Trucking, LLC collided with a truck operated by Robert Sanders. *Id.* Both trucks exploded, killing McRae, injuring Sanders, and damaging the bridge. *Id.* In August 2015, ALDOT filed a complaint against T&S and the estate of McRae, seeking to recover the costs of repairs to the bridge required by the explosion. *Id.*

In December 2015 and April 2016, Sanders and his wife filed complaints in intervention against the same defendants. *Id.* at *7. Neither complaint included fictitious defendants. *Id.* In May 2016, the Sanderses amended their complaint to add fictitiously named defendants. *Id.* In August 2017, the Sanderses amended their complaints again to substitute ASI for a fictitiously named defendant. *Id.* ASI then motioned the Court to dismiss the claims against them on the ground that they were barred by the applicable statute of limitations. *Id.* The trial court denied the motion, ASI petitioned for a writ of mandamus, and the Alabama Supreme Court issued the writ of mandamus. *Id.*

The test applied by the Alabama Supreme Court in determining whether the plaintiff had exercised due diligence in that case was whether the plaintiff knew, should have known, or was on notice that the substituted defendants were in fact the parties described fictitiously. *Id.* The Court found that the plaintiffs had made little to no effort to determine the identity of ASI. *Id.* The Court presented three examples of how the plaintiffs had made little to no effort. *Id.* First, the accident report listed ASI as the owner of the buffer vehicle that was struck. *Id.* Second, ASI's identity could have easily been discovered from ALDOT. *Id.* Third, a witness from the accident testified in his deposition that a week after the accident he telephoned the Sanderses and they all talked about the accident that caused the Sanders' accident. *Id.* The Alabama Supreme Court reasoned that because the plaintiffs made little to no effort in determining the identity of the AIS, they failed

to exercise due diligence. *Id.* And because the plaintiffs had not exercised due diligence, the substitution of the fictitious defendant did not relate back to the original complaint. *Id.* Thus, the substitution of AIS for the fictitiously named defendant was barred by the statute of limitations. *Id.*

In this case, the Plaintiff had actual knowledge of the identity of Jeff and Hunter Whitlock no later than June 14, 2016 when Daniel Snyder was deposed. In Snyder's deposition, the Plaintiff's attorney questioned Snyder about statements the Whitlocks had given to investigators following the accident made the basis of the Plaintiff's Complaint (See Deposition of Daniel Snyder, pages 37-39). Additionally Snyder identified both Jeff and Hunter Whitlock and testified that he had been at their home the evening of July 5, 2014. (See Deposition of Daniel Snyder, pages 31-39). Subsequently, Mr. Heninger deposed Jeff and Hunter Whitlock on August 1, 2017. (See Depositions of Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock).

The undisputed evidence has shown that the Plaintiff, and her attorneys, not only knew the identity of Jeff and Hunter Whitlock but also knew of any alleged involvement the Whitlocks had in this matter by June 14, 2016 at the absolute latest. Despite having that information, the Plaintiff waited more than two years after Snyder's deposition to file an Amended Complaint on July 12, 2018 adding the Whitlocks as Defendants in this case, which was also more than two years after the statute of limitations expired. Therefore, the undisputed evidence is clear that the Plaintiff did not exercise due diligence and the claims against Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock do not relate back to the filing of the Plaintiff's Complaint in this case.

CONCLUSION

Based upon the undisputed evidence in this case, Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock are entitled to judgment as a matter of law on all counts of the Plaintiff's Amended Complaint and pray that that this Honorable Court enters an Order dismissing the Plaintiff's claims against them, with prejudice, with costs taxed as paid.

/s/ David R. Wells

DAVID R. WELLS (WEL016)

Attorney for the Defendants,

Jeffrey Howard Whitlock and Jeffrey Hunter
Whitlock

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a complete copy of the foregoing instrument upon the following attorney of record via the electronic ALAFILE system, on this 6th day of February, 2019.

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/s/ David R. Wells
OF COUNSEL

EXHIBIT A



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
who sues as Administrator and)
Personal Representative of the Estate)
of **ALBINA AGDASOVNA**)
SHARIFULLINA, Deceased,)

Plaintiff,)

vs.)

CIVIL ACTION: _____

DANIEL B. SNYDER;Defendant No.)
1, being that person who was operating)
the Sea Doo described in the Complaint)
at the time set forth in the Complaint;)
Defendants No. 2 & 3, being that)
person or entity which caused or)
contributed to cause the incident)
described in the Complaint; Defendants)
No. 4 & 5, being that person or entity)
which provided alcoholic beverages to)
the named Defendant in the hours)
preceding the incident described in the)
Complaint; All of whose true and)
correct names are otherwise unknown)
to Plaintiff at this time but will be)
added by amendment when properly)
ascertained.)

Defendants.)

COMPLAINT

1. Plaintiff, Marina Stewart-Magee is the duly appointed Administrator and Personal Representative of the Estate of Albina Agdasovna Sharifullina, deceased.

2. On or about, July 5, 2014, the Plaintiff's decedent was a passenger on a Sea Doo watercraft owned and operated by Defendant, Daniel B. Snyder. Plaintiff's decedent

had been the invited guest of Defendant to come to Smith Lake and visited the house of Defendant's friend on that lake that evening. Defendant had been drinking alcoholic beverages and had a blood alcohol level of 0.152 immediately after the incident made the basis of this suit and was greatly in excess of the level of legal intoxication.

3. Defendant had visited the lake house of one of his friends, Jeffrey Hunter Whitlock, where he stayed from 6:30 p.m. until after 10:00 p.m. When the Defendant was about to leave on his Sea Doo with Plaintiff's decedent, Jeffrey Hunter Whitlock (along with others) told Defendant that it was dangerous and illegal to ride his Sea Doo at night under the dark conditions at Smith Lake. Whitlock offered to drive Defendant and Plaintiff's decedent to Defendant's cabin cruiser boat he kept at another location to sleep for the night. Defendant declined that offer and advice and told Whitlock "It's not very far and I have lights I can put on my Sea Doo." Defendant then left on the Sea Doo into the dark night on that lake in an intoxicated and impaired condition with Plaintiff's decedent as his passenger.

4. At some point near midnight, the Defendant's Sea Doo was seen by John Barnes by its lights travelling in an erratic fashion at a high rate of speed. It then came to an abrupt stop with a loud noise as it struck a dock in the slew. Defendant was found slumped over a stabilizing cable for the dock. The body of the Plaintiff's decedent was not found until sometime later. Plaintiff's decedent died on July 6, 2014, from the injuries suffered in this collision of Defendant's Sea Doo with the dock.

5. Plaintiff avers that Defendant, Snyder, was negligent in the operation of the Sea Doo in an intoxicated, impaired condition on a dark night on Smith Lake when

visibility would be difficult for even a completely sober operator. Defendant was negligent in operating her Sea Doo in this situation and at erratic and high speed under an impaired condition and in severe darkness. Defendant's negligence placed the life of plaintiff's decedent in risk and that risk became reality when the Sea Doo struck the dock as described above. As a proximate consequence of Defendant, Snyder's negligence, the Plaintiff's decedent was so injured that she died on July 6, 2014.

6. Plaintiff further avers that at the same time and place set forth above, Defendant Synder was guilty of wanton misconduct which proximately caused the death of Plaintiff's decedent. Defendant consciously and callously declined offers to be driven to his boat with the Plaintiff's decedent and despite good advice to the contrary decided to operate his Sea Doo in an intoxicated and impaired condition on an extremely dark night and at erratic movements and high speed while Plaintiff's decedent was his passenger. Such conduct was willful and conscious even though impaired by alcohol and poor judgment under all of these attendant circumstances as set forth above. As a proximate consequence thereof, Plaintiff's decedent was so injured that she died on July 6, 2014.

Wherefore, Plaintiff demands judgment against Defendants, separately and severally, in such sums as a jury may assess after a full and fair consideration of the facts.



Stephen D. Heninger (HEN007)

/s/ Stephen D. Heninger

STEPHEN D. HENINGER (HEN007)

Attorney for Plaintiff

Plaintiff demands trial by struck jury on all issues raised herein.


Stephen D. Heninger (HEN007)

OF COUNSEL:

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Telephone: (205) 326-3336

Facsimile: (205) 326-3332

E-mail: Steve@hgdllawfirm.com

Plaintiff's Address:

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Moody, Alabama 35004

Serve Defendant via Certified Mail

DANIEL B. SNYDER

84 Blue Sky Drive

Lacey Springs, Alabama 35754

EXHIBIT B



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

**MARINA STEWART-MAGEE,
as Administrator and Personal
Representative of the ESTATE
OF ALBINA AGDASOVNA
SHARFIFULLINA, deceased,**

Plaintiff,

v.

DANIEL B. SNYDER, et al.,

Defendants.

**CIVIL ACTION NO.
CV-2016-900001**

**JURY DEMAND
REQUESTED**

FIRST AMENDED COMPLAINT

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARFIFULLINA, deceased**, pursuant to this Honorable Court's Order entered on December 27, 2017 (Doc. 103), and hereby amends her original Complaint (Doc. 2) to substitute and add Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock for Fictitious Defendants "2" through "5" as follows:

1. Plaintiff adopts and re-alleges all allegations, claims, and demands in her original Complaint (Doc. 2) as if fully set forth herein.
2. Defendant Jeffrey Howard Whitlock is an individual over the age of 19 years and a resident of Shelby County, Alabama.
3. Defendant Jeffrey Hunter Whitlock is an individual over the age of 19 years and a resident of Jefferson County, Alabama.

4. Venue is proper in Cullman County, Alabama pursuant to Ala. Code § 6-3-2 (1975) because the accident made the basis of this lawsuit occurred in Cullman County, Alabama.

5. Jurisdiction is proper in the Circuit Court of Cullman County, Alabama pursuant to Ala. Code § 12-11-30 (1975) because the matter in controversy exceeds ten thousand dollars (\$10,000.00), exclusive of interest and costs. See Ala. Code § 12-11-30(1) (1975).

6. On or about July 5, 2014, Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock hosted a social dinner gathering at their private lake home located at 680 County Road Highway 218, Bremen, Alabama 35033.

7. Defendant Daniel B. Snyder and the Plaintiff's decedent, Albina Agdasovna Sharfifullina, attended the aforementioned dinner gathering hosted by the Defendants, Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock.

8. Upon information and belief, Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock provided and/or allowed to be provided alcoholic beverages to Defendant Daniel B. Snyder during the social dinner gathering, and Daniel B. Snyder became intoxicated while attending said dinner gathering.

9. At approximately 10:00 p.m. on July 5, 2014, Defendant Daniel B. Snyder, while intoxicated, left the aforementioned dinner gathering on a SeaDoo personal watercraft (hereinafter "SeaDoo"), and with the Plaintiff's decedent as his passenger, drove said SeaDoo into the dark and ultimately collided it into a dock nearby. As a result of the collision, the Plaintiff's decedent suffered fatal injuries and died.

10. Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock knew or should have known that it was unsafe and illegal for Daniel B. Snyder to operate his

SeaDoo in the dark and while under the influence of alcohol.

11. Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock knew or should have known that it was unsafe for the Plaintiff's decedent to travel as a passenger on a SeaDoo being driven by Daniel B. Snyder under the conditions described in paragraph 10.

12. Upon information and belief, Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock told Daniel B. Snyder that it was "dangerous and illegal" to operate a SeaDoo at night, and offered to take Daniel B. Snyder to his cabin cruiser boat at Ryan Creek Marina, where Daniel B. Snyder and the Plaintiff's decedent could stay for the night.

13. Upon information and belief, Defendant Daniel B. Snyder initially accepted a ride from the Defendants to Ryan Creek Marina, but subsequently changed his mind.

14. Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock, through their own actions, voluntarily assumed and undertook a duty to protect the Plaintiff's decedent from the negligent, reckless, and wanton conduct of Daniel B. Snyder and to warn the Plaintiff's decedent of the risks associated with traveling on a SeaDoo with Daniel B. Snyder in the dark.

15. Defendants Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock negligently, recklessly, and wantonly breached their duty of care to the Plaintiff's decedent by:

- (a) failing to warn the Plaintiff's decedent of the risks associated with riding a SeaDoo in the dark;
- (b) failing to provide and/or secure an alternative and safer means of transportation for the Plaintiff's decedent;

- (c) failing to take sufficient and reasonable steps to prevent Daniel B. Snyder from operating his SeaDoo in the dark and while under the influence of alcohol, despite their actual or constructive knowledge that serious injury and/or death would likely or probably result; and
- (d) failing to take sufficient and reasonable steps to prevent the Plaintiff's decedent from riding as a passenger on the aforementioned SeaDoo under the conditions described in subsection (c), despite their actual or constructive knowledge that serious injury and/or death would likely or probably result.

16. As a direct and proximate result of the Defendants' negligent, reckless, and wanton conduct, Plaintiff's decedent, Albina Agdasovna Sharfifullina, suffered fatal injuries and died.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, Daniel B. Snyder, Jeffrey Howard Whitlock, and Jeffrey Hunter Whitlock, in an amount deemed appropriate by a jury which will adequately reflect the enormity of the Defendants' wrongful conduct, in the form of punitive damages, plus interest and costs of this proceeding.

Respectfully submitted this 12th day of July, 2018.

/s/ Mark W. Lee

Mark W. Lee (LEE003)
Kendall A. Lee (LEE091)
Attorneys for Plaintiff

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JURY DEMAND

Plaintiff demands a trial by struck jury on all issues raised herein.

/s/ Mark W. Lee
OF COUNSEL

SERVE VIA CERTIFIED MAIL

Mr. Jeffrey Howard Whitlock
2250 Beaver Creek Road
Columbiana, Alabama 35051

Mr. Jeffrey Hunter Whitlock
4113 Clover Leaf Drive
Birmingham, Alabama 35243

CERTIFICATE OF SERVICE

I hereby certify that I have on this 12th day of July, 2018, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile electronic filing system which will effect service of such filing on the following:

Daniel S. Wolter, Esq.
Daniel Wolter Law Firm, LLC
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/s/ Mark W. Lee
OF COUNSEL

EXHIBIT C

Page 1	Page 3
Page 2	Page 4
<p>1 IN THE CIRCUIT COURT</p> <p>2 OF CULLMAN COUNTY, ALABAMA</p> <p>3</p> <p>4 MARINA STEWART-MAGEE,)</p> <p>5 who sues as)</p> <p>6 Administrator and) UNDER SEAL</p> <p>7 Personal Representative)</p> <p>8 of the Estate of ALBINA)</p> <p>9 AGDASOVNA sharifullina,)</p> <p>10 Deceased,)</p> <p>11 Plaintiffs,) CIVIL ACTION NO:</p> <p>12) CV 16-900001</p> <p>13 VS.) DEPOSITION OF:</p> <p>14 DANIEL B. SNYDER,) DANIEL B. SNYDER</p> <p>15 Defendant.)</p> <p>16</p> <p>17 S T I P U L A T I O N S</p> <p>18 IT IS STIPULATED AND AGREED, by and</p> <p>19 between the parties through their</p> <p>20 respective counsel, that the deposition of:</p> <p>21 DANIEL B. SNYDER</p> <p>22 may be taken before Karen Hinch, Licensed</p> <p>23 Court Reporter and Notary Public, State at</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF:</p> <p>4 Stephen D. Heninger</p> <p>5 Attorney at Law</p> <p>6 Heninger, Garrison & Davis, LLC</p> <p>7 2224 1st Avenue North</p> <p>8 Birmingham, AL 35203</p> <p>9</p> <p>10 ON BEHALF OF THE DEFENDANT:</p> <p>11 Daniel S. Wolter</p> <p>12 Attorney at Law</p> <p>13 Daniel Wolter Law Firm, LLC</p> <p>14 402 Office Park Drive, Suite 100</p> <p>15 Birmingham, AL 35223</p> <p>16</p> <p>17 ALSO APPEARING:</p> <p>18 Floyd Gaines</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p>1 Large, at the Law Offices of Heninger,</p> <p>2 Garrison & Davis, 2224 1st Avenue North,</p> <p>3 Birmingham, Alabama 35203, on the 14th day</p> <p>4 of June, 2016, commencing at approximately</p> <p>5 10:09 a.m.</p> <p>6</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that the signature to and reading of the</p> <p>9 deposition by the witness is waived, the</p> <p>10 deposition to have the same force and</p> <p>11 effect as if full compliance had been had</p> <p>12 with all laws and rules of Court relating</p> <p>13 to the taking of depositions.</p> <p>14</p> <p>15 IT IS FURTHER STIPULATED AND AGREED</p> <p>16 that it shall not be necessary for any</p> <p>17 objections to be made by counsel to any</p> <p>18 questions, except as to form or leading</p> <p>19 questions, and that counsel for the parties</p> <p>20 may make objections and assign grounds at</p> <p>21 the time of the trial, or at the time said</p> <p>22 deposition is offered in evidence, or prior</p> <p>23 thereto.</p>	<p>1 I N D E X</p> <p>2 Page</p> <p>3 Examination by:</p> <p>4 Mr. Heninger 5</p> <p>5</p> <p>6</p> <p>7 EXHIBIT INDEX</p> <p>8 MAR</p> <p>9 Plaintiff's Exhibit</p> <p>10 1 Photo - lake 15</p> <p>11 2 Photo - Daniel and Alya 16</p> <p>12 3 Photo - boat 22</p> <p>13 4 Photo - boat 22</p> <p>14 5 Photo - boat 23</p> <p>15 6 Photo - Sea-Doo after incident 28</p> <p>16 7 Photo - Sea-Doo 29</p> <p>17 8 Photo - Sea-Doo 29</p> <p>18 9 Photo - light 30</p> <p>19 10 Photo - light 30</p> <p>20 11 Photo 46</p> <p>21 12 Photo - dock 47</p> <p>22 13 Photo - dock 48</p> <p>23 14 Photo - dock 49</p>

Page 5	Page 7
<p>1 15 Photo - house 49 2 16 Photo - dock 50 3 17 Diagram 51 4 18 Facebook post 59 5 19 Facebook post 59 6 20 Texts 60 7 21 Texts 61 8 22 Texts 61 9 23 Witness diagram 72 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p>1 use and it's sealed except for use in this 2 civil case. 3 MR. HENINGER: Agreed. 4 EXAMINATION BY MR. HENINGER: 5 Q Daniel, give me your full name 6 for the record, please. 7 A Daniel Benjamin Snyder. 8 Q How old are you? 9 A I am 41. 10 Q What is your residence address? 11 A 2024 2nd Avenue North, Unit 1804, 12 Birmingham, Alabama 35203. 13 Q Are you married? 14 A I am not. 15 Q Have you ever been married? 16 A Never been married. 17 Q Where are you currently employed? 18 A I am self-employed of counsel 19 with Gaines, LLC. 20 Q As an attorney? 21 A Yes. 22 Q How long have you been licensed? 23 A I have been -- I was licensed in</p>
Page 6	Page 8
<p>1 I, Karen Hinch, a Court Reporter of 2 Birmingham, Alabama, and a Notary Public for 3 the State of Alabama at Large, acting as 4 Commissioner, certify that on this date, 5 pursuant to Rule 30 of the Alabama Rules of 6 Civil Procedure and the foregoing 7 stipulation of counsel, there came before me 8 on the 14th day of June, 2016, at the law 9 offices of Heninger, Garrison & Davis, 2224 10 1st Avenue North, Birmingham, Alabama, 11 35203, commencing at approximately 12 10:09 a.m., Daniel B. Snyder, witness in the 13 above cause, for oral examination, whereupon 14 the following proceedings were had: 15 DANIEL B. SNYDER, 16 being first duly sworn, was examined and 17 testified as follows: 18 MR. WOLTER: Just so we're all 19 in agreement that this deposition is being 20 taken under seal pursuant to the order 21 entered by the judge in Cullman County and 22 that the deposition cannot be used or 23 presented to the district attorney for any</p>	<p>1 Alabama in 2010. 2 Q Were you licensed elsewhere 3 previously? 4 A Yes. I had a kind of convoluted 5 educational background. I was licensed 6 in -- I went to an unaccredited school, 7 passed the bar exam in California and in 8 Wisconsin. Alabama wouldn't recognize it. 9 Ended up going back to the University of 10 Alabama to law school so that I could sit 11 for the Alabama bar exam and didn't really 12 practice until I went back to law school at 13 Alabama. I know that's kind of confusing. 14 Q That's all right. So what years 15 were you at the University of Alabama? 16 A I was at University of Alabama 17 2007 through 2009. 18 Q And then you sat for the Alabama 19 bar and passed it in 2010? 20 A Right, after my clerkship. 21 Q And then you were employed at 22 Burr & Forman for a while? 23 A Yes, sir.</p>

Page 9

1 Q How long were you at Burr &
2 Forman?
3 A From 2010 until the end of 2015.
4 I guess I should say from September 2010.
5 Q You know why we're here?
6 A Yes, sir.
7 Q And you will not be surprised to
8 learn that the family has many questions,
9 and we're going to go through this. I know
10 it may be difficult for both of us, but we
11 will get through it the best we can. All
12 right?
13 A Yes, sir.
14 Q Have you reviewed anything to
15 prepare yourself for today's deposition?
16 A No, sir.
17 Q Do you feel like you have a good
18 recollection of what happened?
19 A I have a recollection of certain
20 parts. We can go through that.
21 Q Now, were you and Alya friends?
22 A Yes.
23 Q How long had you been friends?

Page 10

1 A We met the weekend of the
2 Kentucky Derby that same year.
3 Q 2014?
4 A Yes.
5 Q Where did you meet her?
6 A I actually -- she actually came
7 to my condo with a friend.
8 Q On 2nd Avenue?
9 A Yes. I had been -- I was in the
10 middle of a campaign raising money for kids
11 with leukemia in memory of my brother who
12 died of leukemia. And she has a friend
13 named Yadi. Adya has a friend named Yadi
14 who was at a fundraiser that I was doing,
15 and Yadi and some of the people who helped
16 with the fundraiser, I invited back to my
17 condo after the fundraiser. And Yadi asked
18 if she could bring a friend and I said sure,
19 and that friend was Alya. And that's how I
20 met Alya.
21 Q Now, Alya is A-l-y-a, I believe,
22 isn't it?
23 A Yes. That's what I knew her by.

Page 11

1 That was the name that --
2 Q Of course, her name was much
3 longer. It was --
4 A Alabina or something like that.
5 Q Sharifulimina,
6 S-h-a-r-i-f-u-l-i-m-i-n-a, Albina,
7 A-l-b-i-n-a.
8 A I never heard her use that full
9 name.
10 Q And is Yadi, Y-a-d-i?
11 A I honestly don't know how to
12 spell her name. I think she's Puerto Rican.
13 I'm not sure.
14 Q Where did you know her from?
15 A That's a good question. I'm not
16 sure where we first met. Probably from a
17 young professional's event, something like
18 that. I can't remember where we first met.
19 Q Well, the Kentucky Derby is
20 usually run in May, isn't it? Does that
21 sound right?
22 A Yes, I think so.
23 Q How many people were at your

Page 12

1 condo that day for the derby?
2 A Well, the fundraiser was actually
3 not at my condo. The fundraiser was at
4 Innisfree. And then the number of people --
5 and for that there were, gosh, probably a
6 hundred, two hundred people.
7 Q How many people ended up at your
8 condo afterwards?
9 A There were probably five or six.
10 All that I can remember right now is four,
11 but it seems like there was some others that
12 I can't remember.
13 Q Did you and Alya ever date
14 formally?
15 A No. We went on one double date
16 mainly just because I had a friend whose
17 girlfriend was Russian and I thought it
18 would be cool if they met. And so we went
19 on a double date to a baseball game, me and
20 Alya and my friend, Eric, and his
21 girlfriend. And, you know, it was more like
22 a friend date, like, nothing like a real
23 date, I guess.

<p style="text-align: right;">Page 13</p> <p>1 Q Were the two of you romantically 2 involved? 3 A No. 4 Q At no time? 5 A No. 6 Q What's the girl's name that Eric 7 was with at that Barron's game? 8 A He called her "Alex." I think 9 she had a long Russian name also that I 10 don't know. She doesn't live in Birmingham. 11 She lives somewhere else. 12 Q Now, this incident happened over 13 the 4th of July weekend, didn't it? 14 A Correct. 15 Q And I've seen text messages. 16 Have you also seen text messages between you 17 and Alya? 18 A I have not. I was -- I lost my 19 phone. 20 Q In this incident? 21 A In the accident, yes. I think 22 maybe the police have it, but I don't know 23 for sure.</p>	<p style="text-align: right;">Page 15</p> <p>1 his family has a lake house there and 2 that was -- on Friday, he had a big lake 3 party and cookout at that lake house and I 4 invited -- of course, I was there with a lot 5 of friends, and I invited Alya to come join 6 us if she wanted to. And she drove up after 7 I was already there and joined us at that 8 location. 9 Q Is Robert Thuston Lee's son? 10 A His nephew. 11 Q What's the private lake that is 12 shown in that photograph? 13 A I don't know the name of it, but 14 it's in the Trussville area. 15 Q Did you have your Sea-Doo that 16 day? 17 A I did not. 18 Q Did you have your boat that day? 19 A I did not. 20 Q How did you get to that location? 21 A By car. 22 Q And how did Alya get there? 23 A By separate car.</p>
<p style="text-align: right;">Page 14</p> <p>1 Q Have you made any attempt to find 2 out or recover it? 3 A I have not. 4 Q Have you seen the official report 5 that the State of Alabama did on this 6 incident? 7 A No, sir. 8 Q And you haven't seen any of the 9 text messages or Facebook postings -- 10 A No, sir. 11 Q -- from yourself or from Alya? 12 A From myself? Not in recent 13 years. I'm sure I saw them -- if I posted 14 them, I saw them, you know, back when I 15 posted them. 16 Q Let me show you what I'm going to 17 mark as Exhibit 1. Can you tell me what 18 this photograph shows? 19 (Plaintiff's Exhibit 20 Number 1 was marked 21 for identification.) 22 A Sure. That is a small private 23 lake that my friend, Robert Thuston, has --</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Did she spend the night with you 2 that night? 3 A No, she did not. 4 Q And that was on Friday, which 5 would have been July the 4th? 6 A I think so, yes. 7 Q Then let me show you what I'm 8 marking as Exhibit 2, which appears to be a 9 photograph of you and Alya. 10 (Plaintiff's Exhibit 11 Number 2 was marked 12 for identification.) 13 Do you pronounce it Alya or Alia? 14 A I always pronounced it Alya. 15 That's the way her friends that I knew 16 pronounced it. I don't know if that's 17 proper. 18 Q That says it's dated June 22nd. 19 Does that look familiar to you? 20 A Yes. That -- yes. 21 Q Is that you? 22 A That is me. 23 Q And is that Alya?</p>

Page 17

1 A Yes.
2 Q Is that on your boat?
3 A Yes.
4 Q And that boat is called the
5 Valhalla?
6 A Yes.
7 Q Where was that taken, if you
8 know?
9 A That was taken on Smith Lake.
10 Q Do you think the date of that is
11 probably as shown?
12 A Probably.
13 Q Now, further into the weekend of
14 July 4th in 2014, you told us that you and
15 she were at a party at Robert Thuston's
16 house at the lake in Trussville.
17 A Yes.
18 Q Did you go back to Birmingham
19 that evening?
20 A Yes.
21 Q Did she go with you?
22 A She drove separately, but we
23 ended up at the same place.

Page 18

1 Q Where was that?
2 A That was the rooftop balcony of
3 the penthouse in the City Federal Building.
4 Q Is your condominium in the City
5 Federal Building?
6 A Yes.
7 Q Did she spend the night there?
8 A She did not. She did not.
9 Q Then what happened on the next
10 day, July 5th? Walk me through that as best
11 you can.
12 A So that morning -- well, the
13 night before we'd been up on the rooftop
14 watching fireworks. I decided I wanted to
15 go to bed. I was worn out. It wasn't just
16 us. There were other people up there
17 watching fireworks too. She wanted to keep
18 partying and so she -- so she stayed up
19 there, and I went to bed. I got up the next
20 morning. Of course, I had gone to bed
21 earlier than most of my friends had so I was
22 ready to go to the lake. I started texting
23 people. And I had invited everyone who was

Page 19

1 at this lake party on the day before to come
2 out to Smith Lake if they wanted to the next
3 day. And I invited -- Alya was one of the
4 people I invited. She was the only one who
5 showed up. Everyone else was too wiped out,
6 you know, too exhausted I guess or hung over
7 or whatever. And she was the only one who
8 made it. And so we got in her car and --
9 Q Where did you meet?
10 A We met on 2nd Avenue.
11 Q At El Barrio?
12 A No. In front of City Federal
13 just on the street.
14 Q About what time?
15 A Probably around noon maybe.
16 Q And this is Saturday, July 5th?
17 A Correct.
18 Q Had she been drinking the night
19 before?
20 A I assume so. I went to bed, like
21 I said, so I don't know, but I assume so.
22 Q Do you know if she was
23 intoxicated the night before?

Page 20

1 A I don't know.
2 Q Were you?
3 A I was not.
4 Q Then on that Saturday, July 5th,
5 did you drive together to Smith Lake?
6 A Yes.
7 Q In whose car?
8 A Her car.
9 Q What kind of car was that?
10 A A Jetta.
11 Q And you left Birmingham somewhere
12 after noon?
13 A Sometime around noon. I don't
14 remember the exact time.
15 Q Then did you go directly to Smith
16 Lake?
17 A As far as I know, yes. Sometimes
18 I would make a stop at Wal-Mart or, you
19 know, a gas station or something on the way
20 to pick up something, but I don't remember
21 stopping that day.
22 Q Where did you go at Smith Lake?
23 A We went to the marina where I

Page 21	Page 23
<p>1 kept my boat and Sea-Doo. 2 Q Is that Ryan's Creek? 3 A That's what it was called then. 4 Q What's it called now? 5 A I don't know. It got bought out 6 later. I can't remember what the new name 7 is. 8 Q So how did you store your Sea-Doo 9 at the marina? 10 A The Sea-Doo was in dry storage. 11 So I would call ahead, and they would put it 12 in the water for me and have it waiting in 13 the water when I got there. 14 Q Let me show you what I'm marking 15 as Exhibit 3 and ask you if this is a 16 photograph of your boat in the slip at 17 Ryan's Marina or Ryan's Creek, the white 18 one. 19 (Plaintiff's Exhibit 20 Number 3 was marked 21 for identification.) 22 A I think so. It's easier to tell 23 from the back end, but I think that's it.</p>	<p>1 A Correct. 2 Q What about during the winter? 3 A During the winter I would usually 4 pull it out and take it to my dad's farm. 5 Q Where is that? 6 A In the Huntsville area. 7 Q What's the size of that boat? 8 A Twenty-eight and a half feet. 9 Q Does it sleep six? 10 A Yes. 11 Q How long have you owned it? 12 A I've owned it since 2013. 13 Q Alone? 14 A Yes. 15 Q Have you ever moored it at a lake 16 other than Smith Lake? 17 A Since the accident? 18 Q No, before. 19 A Before, no. 20 Q But since accident you have? 21 A Yes. 22 Q Where is it now? 23 A It's at Lake Martin now.</p>
Page 22	Page 24
<p>1 Q Let me show you Exhibit 4, which 2 is the back end. 3 (Plaintiff's Exhibit 4 Number 4 was marked 5 for identification.) 6 A Yes. 7 Q Is that your boat that's marked 8 the Valhalla? 9 A Yes. 10 Q Did you name it that? 11 A No. It had that name when I got 12 it. 13 Q And then Exhibit 5 is just 14 another view of the side of your boat, 15 correct? 16 (Plaintiff's Exhibit 17 Number 5 was marked 18 for identification.) 19 A Yes. 20 Q Did you keep your boat in that 21 mooring in the water during the summer? 22 A Yes. 23 Q So it wasn't in dry storage?</p>	<p>1 Q Why there? 2 A Because the marinas are so much 3 nicer. 4 Q Did you and Alya have anything to 5 drink in the car on the way up to Smith 6 Lake? 7 A No. 8 Q Did you have something to drink 9 that day? 10 A Yes. 11 Q By drink, I mean alcohol. 12 A Yes. 13 Q What did you drink during the 14 day? 15 A I drank at the -- well, I drank 16 Jack Daniels Honey and Gray Goose vodka. 17 Q Did you mix them with something? 18 A Yes. The Jack Daniels Honey I 19 think I mixed with Coke. That's what I 20 usually would mix it with. The vodka I 21 would usually -- the vodka I might not have. 22 Vodka, I might have just done a shot. I 23 can't remember for sure.</p>

Page 25

1 Q Did Alya have anything to drink
2 during the day on Saturday?
3 A Yes.
4 Q What was she drinking?
5 A She was drinking the same. This
6 was liquor she brought so she was drinking
7 that same thing. I don't know if that's
8 all, but she was definitely drinking those
9 things.
10 Q So who mixed the drinks when the
11 two of you would have drinks that Saturday?
12 A I don't remember. I think she
13 was -- when we were at the pool party, she
14 was kind of acting like the bartender a
15 little bit trying to get people to try
16 these -- she's a liquor salesman so these
17 were alcohols that she's -- she's a promoter
18 for and so she was kind of promoting them I
19 guess a little bit. But I don't remember if
20 I mixed my own or if she mixed mine.
21 Q Were they miniatures?
22 A No. These were bottles. She had
23 a cushion case in her trunk that was made

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1 for carrying big bottles of liquor, and so
2 she had a -- she just kept these things in
3 her trunk.
4 Q Because you said her job was to
5 promote those liquors, among others?
6 A Yes.
7 Q You mentioned a pool party.
8 Where was the pool party?
9 A It was at a house I'd never been
10 to before. It was like a friend of a
11 friend, and I'm not even sure I could get
12 back there now. We went by water, and I'd
13 never been there before. I can't remember
14 the name of the family that owned it.
15 Q Was it Whitlock?
16 A No. It's not the Whitlocks.
17 This was friends of the Whitlocks.
18 Q So when you got to Smith Lake,
19 you drove to your boat, correct?
20 A Correct.
21 Q Did you change at the boat?
22 A I can't remember if we were
23 already dressed for the lake or if we

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1 changed. I honestly don't remember.
2 Q Did you have anything to drink at
3 the boat?
4 A No.
5 Q Then did you have them drop your
6 Sea-Doo in the water for you?
7 A Yes.
8 Q Does the name Billy Kospers, III
9 mean anything to you?
10 A I don't recognize that name.
11 Q He says he was the guy at Ryan's
12 Creek that put the Sea-Doo in the water for
13 you around 2:00 in the afternoon.
14 A Okay.
15 Q You think that sounds about
16 right?
17 A That's probably about right. I
18 don't remember him -- that name
19 specifically. Oh, wait. I knew him as
20 Trey. That's why. I just didn't know his
21 name was Billy.
22 Q He had a coworker named Travis.
23 Do you remember Travis?

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1 A I remember Travis.
2 Q Let me show you Exhibit 6. Is
3 that a photograph of your Sea-Doo after this
4 incident?
5 (Plaintiff's Exhibit
6 Number 6 was marked
7 for identification.)
8 A I don't know when this photo was
9 taken, but that does look like my Sea-Doo.
10 Q Let me show you Exhibit 7. Maybe
11 having the license on the bow gives you some
12 help in identifying it.
13 (Plaintiff's Exhibit
14 Number 7 was marked
15 for identification.)
16 A I never saw the Sea-Doo after the
17 accident, but that's the right coloring for
18 my Sea-Doo.
19 Q Same way with 8, that's the other
20 side with the license. It's the right
21 coloring and appears to be your Sea-Doo?
22 (Plaintiff's Exhibit
23 Number 8 was marked

Page 29	Page 31
<p>1 for identification.)</p> <p>2 A Yes.</p> <p>3 Q Did that Sea-Doo have headlights</p> <p>4 on it?</p> <p>5 A No.</p> <p>6 Q Did it have any lights?</p> <p>7 A It did have a suction cup light</p> <p>8 that I would put on there at night.</p> <p>9 Q Did you keep that in like a</p> <p>10 console?</p> <p>11 A Yes.</p> <p>12 Q Let me show you what I'm marking</p> <p>13 as Exhibit 9 and ask you if this is what</p> <p>14 you're talking about, the light that had a</p> <p>15 suction cup on it that you would keep in the</p> <p>16 console.</p> <p>17 (Plaintiff's Exhibit</p> <p>18 Number 8 was marked</p> <p>19 for identification.)</p> <p>20 A No, sir. That's the second</p> <p>21 light. That's the white all around light.</p> <p>22 The other light was a red and green light.</p> <p>23 Q Let me show you Exhibit 10. Is</p>	<p>1 out at night at Smith Lake?</p> <p>2 A Not often, but if I was somewhere</p> <p>3 else and it got dark, then I might come home</p> <p>4 by Sea-Doo after dark.</p> <p>5 Q Did you go to Smith Lake a good</p> <p>6 bit back in 2014?</p> <p>7 A I hadn't been a lot because of</p> <p>8 the fundraiser I was involved with so my</p> <p>9 summer was starting a little bit late</p> <p>10 because of other responsibilities, but I</p> <p>11 would go there as often as I could get away.</p> <p>12 Q So what time do you think you</p> <p>13 left the marina on your Sea-Doo that</p> <p>14 Saturday?</p> <p>15 A I think we got out there -- got</p> <p>16 out pretty quick so it probably was around</p> <p>17 2:00 if that's what time he put it in the</p> <p>18 water.</p> <p>19 Q Where did you go?</p> <p>20 A We went to the Whitlocks' house,</p> <p>21 and they were not home when we first got</p> <p>22 there.</p> <p>23 Q How far was it by water from</p>
Page 30	Page 32
<p>1 this the one you're talking about?</p> <p>2 (Plaintiff's Exhibit</p> <p>3 Number 10 was marked</p> <p>4 for identification.)</p> <p>5 A Yes.</p> <p>6 Q Now, that wouldn't illuminate</p> <p>7 anything for your path of direction at</p> <p>8 night, would it?</p> <p>9 A No. It's -- well, I mean, maybe</p> <p>10 a little, but it's mainly so other boats can</p> <p>11 see you.</p> <p>12 Q And tell me again what Exhibit 9</p> <p>13 shows.</p> <p>14 A That's a white all around light.</p> <p>15 Q What would you do with that?</p> <p>16 A That's just facing up so that,</p> <p>17 again, other boats can see you.</p> <p>18 Q It's not used to illuminate your</p> <p>19 path?</p> <p>20 A No. These are the lights that</p> <p>21 the state requires to be out at night, as</p> <p>22 far as I know.</p> <p>23 Q Did you often take the Sea-Doo</p>	<p>1 where you put in the Sea-Doo and got to the</p> <p>2 Whitlocks' house?</p> <p>3 A Probably five minutes or less.</p> <p>4 It's really close. By land it's walking</p> <p>5 distance.</p> <p>6 Q Had you done that trip by water</p> <p>7 before?</p> <p>8 A Yes, many times.</p> <p>9 Q So you went to the Whitlocks' and</p> <p>10 they were not home?</p> <p>11 A Correct.</p> <p>12 Q Then what did you do?</p> <p>13 A There's a house that everyone on</p> <p>14 Smith Lake knows as the castle that's on a</p> <p>15 very prominent point. It's very close to</p> <p>16 their house. You can probably even see it</p> <p>17 from their house. So I took Alya over to</p> <p>18 show her the castle, and we just kind of --</p> <p>19 I was kind of showing her this close to</p> <p>20 their house when -- so we went to see the</p> <p>21 castle. We went over this little cove kind</p> <p>22 of across from the Whitlocks' house kind of</p> <p>23 in that same general area still. And I</p>

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1 can't remember whether the Whitlocks texted
2 me or called me or if I just saw them pull
3 up, but I saw them pull up by boat to their
4 house and so we went over to say "hi."
5 Q Had you planned on going to the
6 Whitlocks'?

7 A Not like an organized plan, but I
8 had texted them, either Hollis or Hunter or
9 both, and let them know I was on my way up
10 to the lake. They were kind of like lake
11 family. It was usual for me to see them
12 when I was at the lake.

13 Q And how long did you stay at the
14 Whitlocks' at that time?

15 A Not very long.

16 Q Had you had anything to drink by
17 that point?

18 A No.

19 Q Had Alya?

20 A No.

21 Q So what time of day are we
22 talking about, do you think?

23 A This has only been a few minutes,

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1 maybe like, I don't know, 20 minutes, 15
2 minutes after 2:00.

3 Q Then where did you go from there?

4 A So then Hollis, which is the
5 Whitlocks' -- one of their daughters, she
6 was going over to this pool party and her
7 boyfriend and her brother, Hunter, were
8 already there. And I asked if we could tag
9 along or she invited me to tag along. I
10 can't remember which. So Alya -- she was on
11 their Jet Ski, and I followed her on mine to
12 this pool party.

13 Q So were you alone on your Jet Ski
14 at that time?

15 A No. Alya was with me.

16 Q On your Jet Ski?

17 A Yes.

18 Q Did you ever let her drive it or
19 operate it?

20 A Yes.

21 Q When?

22 A Later on she said she wanted to
23 try it so I let her drive it later on.

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1 Q When was that?

2 A That was after we got back from
3 the pool party. We went -- we went back to
4 her -- she wanted to get some liquor from
5 her car to give to the -- the Whitlocks had
6 invited us for dinner, and she wanted to go
7 back to the marina to get some liquor to
8 share with the Whitlocks at dinner. And so
9 we went back to the marina from the
10 Whitlocks' and on the way -- we picked up
11 the liquor. She also decided at that point
12 in time that she wanted to jump off the
13 bridge that was next to the marina. I told
14 her I was not doing that. I would video
15 her. I don't know where her phone ended up,
16 but there should be a video of that on her
17 phone. So I videoed her jumping off the
18 bridge. She got -- she got more bottles of
19 liquor from her car and then she drove on
20 the way back.

21 Q To the Whitlocks'?

22 A Yeah.

23 Q That's just a short distance you

Page 36

1 said, right?

2 A Yeah. It's not super long.

3 Maybe, I don't know, it's hard to measure on
4 water, but a mile or two.

5 Q Did you have dinner at the
6 Whitlocks'?

7 A Yes.

8 Q So how long were you at the
9 Whitlocks' that day?

10 A Well, are we counting time around
11 the water with them or just at their house?

12 Q At the house.

13 A In the house probably -- we went
14 wakeboarding. We got back from wakeboarding
15 it was probably, I don't know, maybe 7:30,
16 8:00. So maybe from 7:30, 8:00, until we
17 left.

18 Q What time do you think you ate
19 dinner?

20 A Probably 8:30, 9:00.

21 Q When did you have your first
22 alcoholic drink?

23 A Around 8:30 or 9:00. No. I had

<p style="text-align: right;">Page 37</p> <p>1 drinks at the pool party earlier. My first 2 drink at the Whitlocks' house was probably 3 around 8:30 or 9:00. 4 Q When did Alya have her first 5 drink? 6 A Probably around that same time, 7 but I wasn't keeping tabs. 8 Q Have you read the statement that 9 Jeffrey Whitlock gave to the authorities? 10 A I don't think so. 11 Q Who is Jeffrey Whitlock? 12 A He's the father. He's the one 13 that owns the house. 14 Q Well, there's a father and a son 15 with the same name. 16 A I know the son as "Hunter," so I 17 don't know. So Jeff is the father, at least 18 the way I knew their names. 19 Q Hunter has said that you and Alya 20 were at the Whitlock house on that Saturday, 21 July 5th, from around 6:30 p.m. until 22 10:00 p.m. 23 A I think he's counting the time we</p>	<p style="text-align: right;">Page 39</p> <p>1 don't -- I'm not disputing it. I just don't 2 remember it. 3 Q He says that you told him it's 4 not very far and I have lights and I can put 5 on -- put them on my Sea-Doo, and that as 6 you left he could see the green light turned 7 on. You don't remember that, right? 8 A Correct. 9 Q But you have no reason to think 10 he's mistaken? 11 A I have no reason. 12 Q He also said that Alya remembered 13 she didn't have her cell phone and went back 14 up to the house to get it to get on the 15 Sea-Doo with you when you left the 16 Whitlocks'. Do you remember that? 17 A I don't remember that either. 18 Q Who was driving when you left the 19 Whitlocks'? 20 A I don't remember leaving the 21 Whitlocks', so I can't say. 22 Q So you don't have a specific 23 memory of you driving the Jet Ski when you</p>
<p style="text-align: right;">Page 38</p> <p>1 were wakeboarding. 2 Q Right. But do you recall you 3 left there around 10:00 that night? 4 A I don't remember leaving, 5 honestly. 6 Q Were you intoxicated when you 7 left the Whitlocks' house? 8 A I don't remember leaving so I 9 don't know. I don't remember being 10 intoxicated at all that day. 11 Q Do you remember Alya being 12 impaired or intoxicated? 13 A No. 14 Q Well, Hunter says that at 10:00, 15 that he told you that it was dangerous and 16 illegal to ride a Sea-Doo at night, and he 17 offered to drive you back to Ryan's Creek 18 Marina and that you agreed. And then went 19 down to the dock where the Sea-Doo was and 20 changed your mind, decided you were going to 21 take the Sea-Doo. Do you remember any of 22 that? 23 A If he says it, you know, I</p>	<p style="text-align: right;">Page 40</p> <p>1 left the Whitlocks'? 2 A No. 3 Q In all likelihood, were you the 4 one driving? 5 MR. WOLTER: Object to the form. 6 A I don't have any way to guess. 7 Q Well, would you let Alya drive at 8 night when she had just driven that Sea-Doo 9 that afternoon? 10 A Yes. 11 Q You would have? 12 A I would have, yes. 13 Q So I don't know any way to ask it 14 other than this way: Do you think there's a 15 possibility that Alya was driving when the 16 incident happened? 17 A Yes. 18 Q Do you think it's a possibility 19 that you were driving when this incident 20 happened? 21 MR. WOLTER: Object to the form. 22 A Based on the physical evidence I 23 know, no.</p>

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<p>1 Q Why not?</p> <p>2 A My injuries, I had no frontal</p> <p>3 injuries. All of my injuries were side and</p> <p>4 back. And I also always rode with the kill</p> <p>5 switch attached to me, and I was told</p> <p>6 afterwards that the kill switch was found in</p> <p>7 the Sea-Doo, the Sea-Doo still running in</p> <p>8 circles. So those are the main reasons that</p> <p>9 I don't see how I possibly could have been</p> <p>10 driving.</p> <p>11 Q Well, if you had let Alya drive,</p> <p>12 wouldn't you have insisted that she attach</p> <p>13 the kill switch to her wrist?</p> <p>14 A I would have told her to.</p> <p>15 Q Do you think she would have</p> <p>16 disregarded that instruction?</p> <p>17 MR. WOLTER: Object to the form.</p> <p>18 A I don't know. I can't speak to</p> <p>19 that.</p> <p>20 Q Earlier that afternoon when she</p> <p>21 drove that short distance, was that the</p> <p>22 first time she had driven your Sea-Doo?</p> <p>23 A Yes.</p>	<p>1 A I did see that in the records.</p> <p>2 Q Do you know that's above the</p> <p>3 legal limit?</p> <p>4 A I do know that.</p> <p>5 Q Have you seen Alya's blood</p> <p>6 alcohol level?</p> <p>7 A I have not.</p> <p>8 Q It was .058. No one had told you</p> <p>9 that before?</p> <p>10 A No.</p> <p>11 Q Was anyone smoking marijuana at</p> <p>12 the Whitlocks' or anywhere else that day?</p> <p>13 A I didn't see anyone smoking.</p> <p>14 Q Did you have any marijuana?</p> <p>15 A No.</p> <p>16 Q Did Alya?</p> <p>17 A I didn't see her if she did.</p> <p>18 Q And you didn't see anybody else?</p> <p>19 A No, that I have a memory of.</p> <p>20 Q Was your memory pretty good up</p> <p>21 until leaving the Whitlocks'?</p> <p>22 A It's good up until dinner.</p> <p>23 Q Which is at 8:30?</p>
Page 42	Page 44
<p>1 Q Do you know if she had ever</p> <p>2 driven a Sea-Doo before or any Jet Ski?</p> <p>3 A She had been on Sea-Doos before,</p> <p>4 which I took to mean that she had driven</p> <p>5 them. I specifically asked her about that.</p> <p>6 But I have no -- I don't know any details.</p> <p>7 Q Do you think she told you that</p> <p>8 she had driven a Jet Ski or something like</p> <p>9 that before?</p> <p>10 A She told me she had been on Jet</p> <p>11 Skis before, which maybe I misinterpreted,</p> <p>12 but I took that to mean she had been the</p> <p>13 driver.</p> <p>14 Q Had she ever been on your Jet Ski</p> <p>15 with you before that Saturday?</p> <p>16 A No. The previous time we had had</p> <p>17 a bigger group and we took the boat out, not</p> <p>18 the Jet Ski.</p> <p>19 Q Do you know what your blood</p> <p>20 alcohol was that night? Has anyone shown</p> <p>21 you your records?</p> <p>22 A I have seen the hospital records.</p> <p>23 Q It was .152. You remember that?</p>	<p>1 A Which was like somewhere around</p> <p>2 there. But that's where it's solid or</p> <p>3 pretty solid.</p> <p>4 Q Well, do you think it's not good</p> <p>5 from that point forward because of alcohol</p> <p>6 or injuries or what?</p> <p>7 MR. WOLTER: Object to the form.</p> <p>8 A I don't know. I know I had a</p> <p>9 concussion. I had my side of my face -- my</p> <p>10 ear was ripped off. I had plastic surgery</p> <p>11 twice. See?</p> <p>12 Q I've seen it. I've also seen</p> <p>13 some photographs. Who took the photographs</p> <p>14 of you right after the hospital?</p> <p>15 A The police did.</p> <p>16 Q Where did they take those</p> <p>17 photographs?</p> <p>18 A My parents' house.</p> <p>19 Q With your consent?</p> <p>20 A I don't remember. I was pretty</p> <p>21 drugged up at the time. I don't remember if</p> <p>22 I consented or if they had a subpoena. I</p> <p>23 just don't remember how that happened.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q How long were you in the hospital 2 at Huntsville Hospital? 3 A I don't know exactly. I just 4 remember waking up in the hospital. I don't 5 know. 6 Q Do you remember your dad being 7 there? 8 A I do remember my dad at a certain 9 point. 10 Q Have you been back on the lake 11 since this happened at Smith Lake? 12 A Just one time. 13 Q Did you go to look at the scene? 14 A Yes. 15 Q Who were you with? 16 A I was with Tommy Spina. 17 Q On your boat? 18 A No. I don't know whose boat it 19 was. It was not mine. 20 Q Let me show you what we've marked 21 as Exhibit 11. Does that photograph show an 22 area that you're familiar with? 23 (Plaintiff's Exhibit</p>	<p style="text-align: right;">Page 47</p> <p>1 occasion? 2 A No. 3 Q So you don't know if that's on 4 the way to Ryan's Creek from the Whitlocks'? 5 A Well, I know that it's -- I know 6 from my general knowledge of the lake and 7 what I have learned after the fact that it's 8 not, but showing me this picture in the 9 abstract, I wouldn't be able to tell you 10 where this was on the lake. 11 Q But you know now that would not 12 be located where you would be expected to be 13 traveling from the Whitlocks' back to your 14 boat -- 15 A Correct. 16 Q -- at Ryan's Creek? 17 A Yes. 18 Q Which is where you were headed 19 that night; is that right? 20 A Again, I don't have a memory of 21 leaving, but I would -- I mean, that would 22 be a guess. 23 Q And Exhibit 13, that's the same</p>
<p style="text-align: right;">Page 46</p> <p>1 Number 11 was marked 2 for identification.) 3 A I can't tell from this picture. 4 Q Can you tell if that picture 5 shows somewhere you would pass by going from 6 the Whitlocks' house to the marina where 7 your boat was kept at Ryan's Creek? 8 A I don't remember. It's been a 9 couple of years since I've been there, maybe 10 a year, year and a half. I just don't -- 11 nothing here looks familiar to me right now. 12 Q Exhibit 12 is a photograph of the 13 dock that your Jet Ski struck that night. 14 Does that look familiar to you? 15 (Plaintiff's Exhibit 16 Number 12 was marked 17 for identification.) 18 A Only from seeing it in pictures 19 and when Tommy -- when I went out there that 20 one time. 21 Q Well, do you remember ever seeing 22 that dock while you were out on Smith Lake 23 on your Sea-Doo or in your boat on any</p>	<p style="text-align: right;">Page 48</p> <p>1 dock. Have you seen it since this incident? 2 (Plaintiff's Exhibit 3 Number 13 was marked 4 for identification.) 5 A Yes. 6 Q When you went out there with 7 Tommy? 8 A Yes. 9 Q Number 14 shows the area where, 10 and I'm going to circle it, where the 11 Sea-Doo hit. Has anyone identified that for 12 you? 13 (Plaintiff's Exhibit 14 Number 14 was marked 15 for identification.) 16 A No. You're the first one. 17 Q Did you ever pay any damage to 18 the owner for that? 19 A No. 20 Q Has anyone asked you to? 21 A No. 22 Q Let me ask you if this 23 photograph, Number 15, shows an area that</p>

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<p>1 you're familiar with. It seems to have a 2 pretty prominent house with flags flying, a 3 pretty point. Does that strike you with any 4 recollection about having ever seen it while 5 you were out on Smith Lake? 6 (Plaintiff's Exhibit 7 Number 15 was marked 8 for identification.) 9 A Not that I recall. 10 Q Then if you look at Exhibit 11 Number 11, it shows the prominent point 12 that's in Exhibit Number 15, and then over 13 to its right is the dock that your Jet Ski 14 hit. Does that look familiar to you at all 15 from any time you've been on Smith Lake? 16 A I don't recall. No. 17 Q Let me show you Exhibit 16. Can 18 you tell me if you recall the dock that your 19 Jet Ski hit, when you were out there with 20 Tommy Spina and saw it, if this was the way 21 it looked? 22 (Plaintiff's Exhibit 23 Number 16 was marked</p>	<p>1 A No. 2 Q Or striking the dock that night? 3 A No. 4 Q Do you remember the paramedics 5 talking to you? 6 A No. 7 Q Or the flight by helicopter to 8 Huntsville Hospital? 9 A No. 10 Q Has anyone told you that the 11 paramedics asked you if anyone else was on 12 the Jet Ski with you and you said, "Yes, 13 several people"? 14 MR. WOLTER: I object to the form 15 to the extent -- 16 Just make sure that -- you can 17 tell him what you recall being told as long 18 as it's not by one of your lawyers. 19 A I know that I had a friend 20 contact me after the accident and said the 21 police called him and that I had told the 22 police that I -- or paramedics, somebody, 23 that he was on the Jet Ski with me. And</p>
Page 50	Page 52
<p>1 for identification.) 2 A I don't remember this stuff being 3 stacked on the left. I can't say for sure. 4 I don't remember that stuff being stacked 5 there. 6 Q Have you ever talked to the owner 7 of that dock? 8 A I have not. 9 Q No contact whatsoever? 10 A No. 11 Q Exhibit 17 is a diagram that the 12 Department of Conservation and Natural 13 Resources did in its official investigation, 14 and it shows what they believe was the path 15 of the Jet Ski. Have you seen the diagram 16 before? 17 (Plaintiff's Exhibit 18 Number 17 was marked 19 for identification.) 20 A It looks vaguely familiar, maybe. 21 I'm not sure if I've seen it or not. 22 Q Do you have any recollection of 23 that path?</p>	<p>1 they woke him up in bed in Birmingham. And 2 he was someone who was helping me with the 3 fundraiser. 4 Q Who was that? 5 A His name is Joseph Newman, I 6 think is his last name. But I didn't know I 7 had mentioned other people. But he's the 8 one I knew that had -- he had told me that I 9 had told the paramedics he was with me or 10 the cops or someone. 11 Q Daniel, Smith Lake at night gets 12 very dark, doesn't it? 13 MR. WOLTER: Object to the form. 14 A It can. 15 Q Why would you be on your Jet Ski 16 after 10:00 at night with no lights? 17 A In general or this specific time? 18 Q In general. And let me clarify, 19 no lights for illumination. 20 A I would -- the night -- the lake 21 at night was beautiful and peaceful, it 22 could be. And I had been out there, and 23 because there were no city lights, the way</p>

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<p>1 the stars and moon would shine on the water 2 it -- I assume that's why the state doesn't 3 require illumination lights on boats at 4 night because the stars and moon provide 5 quite a bit of reflection off the glassy 6 surface of the water because the water is a 7 lot like glass at night. And I had several 8 times before traveled at night. 9 Q Had you ever gone from your 10 marina at Ryan's Creek to the Whitlocks' at 11 night? 12 A I don't think I'd ever been 13 there, going to there at night, but I think 14 I had been going back at night. 15 Q You'd done that before? 16 A I think so, yeah. If I was 17 traveling at night, it was usually because I 18 had been somewhere and it got dark and I was 19 just going home. 20 Q But you think you've done that 21 before? 22 A I think so. 23 Q And it's just a few minutes to</p>	<p>1 Q And do you think it's likely that 2 when you left the Whitlocks' you were 3 intending to go back to your boat? 4 MR. WOLTER: Object to the form. 5 A I don't know. I mean, if we had 6 made it back, I would say yes; but the fact 7 that we were out there two hours, you know, 8 I don't know. 9 Q And if you were headed back to 10 your boat at Ryan's Creek from the Whitlocks' 11 that night, you'd have no reason to be in 12 the area where this collision with the pier 13 occurred, would you? 14 A No. 15 Q And you don't know how you got 16 there? 17 A No. 18 Q Or why you were there? 19 A I do not. 20 Q What's the top-end speed for that 21 Sea-Doo? 22 A It's over 60. 23 Q Have you had it that high before?</p>
Page 54	Page 56
<p>1 get from the Whitlocks' to your boat at 2 Ryan's Creek Marina? 3 A Yes. 4 Q Have you been told that this 5 incident happened after midnight? 6 A I have been told that. 7 Q If you left the Whitlocks' at 8 10:00, how can you account for those two 9 hours? 10 A I can't. 11 Q Have you tried to remember? 12 A I have absolutely tried to 13 remember. Yes. 14 Q You don't have a clue? 15 A I don't know. I have tried to 16 make sense of it, and I don't know what was 17 happening. 18 Q So you don't remember who was 19 driving your Jet Ski, correct? 20 A Correct. 21 Q When you left the Whitlocks' to 22 go back to your boat? 23 A Correct.</p>	<p>1 A Yes. 2 Q You think you've ever had it that 3 speed before at night? 4 A Oh, no, never. 5 Q Why not? 6 A Because I'm -- when I travel at 7 night I recognize the lower visibility and 8 travel slow. You know, usually there's not 9 a rush. There's no reason. And I probably 10 wouldn't go -- it probably wouldn't even go 11 that fast with two people on it. 12 Q How fast do you think you've had 13 it with two people on it? 14 A I'm not sure. Maybe 45, 50. 15 Q Did it have a speedometer? 16 A I think so. It's been a while 17 since I looked at it, but I'm pretty sure -- 18 yeah, it had a speedometer. Yes. The 19 police have it. 20 Q It's still in custody? 21 A As far as I know, unless they did 22 something with it. 23 Q What's the first thing you</p>

<p style="text-align: right;">Page 57</p> <p>1 remember after this incident?</p> <p>2 A Waking up in the hospital --</p> <p>3 waking up and not knowing where I was or how</p> <p>4 I got there, what had happened. And my dad</p> <p>5 was there and he told me that I'd been</p> <p>6 brought in by helicopter, that I'd hit a</p> <p>7 pier or dock or something. And I just</p> <p>8 remember feeling like just completely lost.</p> <p>9 I didn't know -- I couldn't make sense of it</p> <p>10 because I remembered sitting down to dinner</p> <p>11 and then waking up in the hospital. And my</p> <p>12 dad told me they were prepping me for</p> <p>13 surgery, and I said, "Why do I need</p> <p>14 surgery?" And he said, "Your ear got ripped</p> <p>15 off." And I reached up and felt the side of</p> <p>16 my face, and they had this plastic cup thing</p> <p>17 covering the side of my head to protect what</p> <p>18 was left of my ear.</p> <p>19 Q Did he tell you at that time that</p> <p>20 Alya was dead?</p> <p>21 A I don't remember. At some -- the</p> <p>22 days and hours, like it's kind of blurry,</p> <p>23 but I know at some point I asked about Alya</p>	<p style="text-align: right;">Page 59</p> <p>1 (Plaintiff's Exhibit</p> <p>2 Number 19 was marked</p> <p>3 for identification.)</p> <p>4 A That's probably right.</p> <p>5 Q But this shows Alya and Yari as</p> <p>6 friends and also looks to have a photograph</p> <p>7 of you at the top. Is that you?</p> <p>8 A That is me.</p> <p>9 Q What is the sash you're wearing?</p> <p>10 A That was the fundraiser that I</p> <p>11 told you about. I was -- the Leukemia and</p> <p>12 Lymphoma Society does a fundraiser called</p> <p>13 Man and Woman of the Year for over a</p> <p>14 ten-week campaign to raise as much money as</p> <p>15 you can for leukemia and lymphoma research.</p> <p>16 And I was running in memory of my brother,</p> <p>17 and I won Man of the Year, and that's</p> <p>18 what some of these people had been helping</p> <p>19 me with. And that was the sash they gave me</p> <p>20 when I won. They gave me like a plaque or</p> <p>21 something. But anyway, my brother, David,</p> <p>22 died of leukemia so I was doing that in</p> <p>23 memory of him. So this all happened right</p>
<p style="text-align: right;">Page 58</p> <p>1 and they told me. I was afraid she was</p> <p>2 still in the water somewhere. And they told</p> <p>3 me that she had died already, and I just --</p> <p>4 I couldn't even wrap my mind around it.</p> <p>5 Q Is Aaron your brother?</p> <p>6 A He is.</p> <p>7 Q Do you remember making a post</p> <p>8 after you found out that Alya had died?</p> <p>9 A Yes. I remember probably about a</p> <p>10 week or so after the accident.</p> <p>11 Q Let me show you what I'm marking</p> <p>12 as Exhibit 18. See if this looks like a</p> <p>13 post that you made on Facebook.</p> <p>14 (Plaintiff's Exhibit</p> <p>15 Number 18 was marked</p> <p>16 for identification.)</p> <p>17 A Yes. That was like the first --</p> <p>18 maybe the only post I made.</p> <p>19 Q Exhibit 19 is another post, and</p> <p>20 it shows some of your friends. And you</p> <p>21 mentioned a name earlier, Yadi, and I think</p> <p>22 it's Yari, Y-a-r-i. Does that sound like</p> <p>23 it?</p>	<p style="text-align: right;">Page 60</p> <p>1 after that campaign ended. So that was the</p> <p>2 Man of the Year sash.</p> <p>3 Q Are you confident you didn't meet</p> <p>4 Alya at El Barrio that Saturday instead of</p> <p>5 at your condo? The reason I ask, there's a</p> <p>6 text. I'll go ahead and mark this as</p> <p>7 Exhibit 20.</p> <p>8 (Plaintiff's Exhibit</p> <p>9 Number 20 was marked</p> <p>10 for identification.)</p> <p>11 A I don't remember meeting her at</p> <p>12 El Barrio. So that's on 2nd Avenue so that</p> <p>13 may have been the point of reference I gave</p> <p>14 her. I just don't remember. Maybe we</p> <p>15 decided to eat something before we went out</p> <p>16 of town. I just don't remember it.</p> <p>17 Q See if any of that looks</p> <p>18 familiar.</p> <p>19 A Yeah. I really don't remember</p> <p>20 that, but maybe I was eating at -- I eat</p> <p>21 brunch there sometimes on Saturdays. They</p> <p>22 have a really good breakfast burrito that I</p> <p>23 like. Maybe I was there eating brunch when</p>

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<p>1 we met.</p> <p>2 Q Well, let me show you what I'm</p> <p>3 going to go ahead and mark as 21 and 22,</p> <p>4 which gives it context. See if this helps</p> <p>5 you. It also dates it as starting on</p> <p>6 Saturday at 10:52 a.m.</p> <p>7 (Plaintiff's Exhibit</p> <p>8 Numbers 21 and 22 were marked</p> <p>9 for identification.)</p> <p>10 A The green is her or the -- I'm a</p> <p>11 little confused.</p> <p>12 Q Looks like it.</p> <p>13 A This address is my address for</p> <p>14 City Federal.</p> <p>15 Q Right. Then 23 seems to be the</p> <p>16 end of that chain of texts where she tells</p> <p>17 you she's already in a swimsuit with a white</p> <p>18 dress over it and you say you're in a</p> <p>19 swimsuit too.</p> <p>20 A Yeah. I didn't remember.</p> <p>21 Q I was trying to see if that helps</p> <p>22 you remember anything.</p> <p>23 A That's consistent with what I</p>	<p>1 with --</p> <p>2 MR. WOLTER: Object to the form.</p> <p>3 Q -- as well, can't you?</p> <p>4 MR. WOLTER: Same objection.</p> <p>5 Q If that's what happened?</p> <p>6 A If I was -- if I was in a</p> <p>7 condition where I could make that decision.</p> <p>8 I just don't remember.</p> <p>9 Q Do you think you could have been</p> <p>10 so intoxicated you couldn't make a good</p> <p>11 decision?</p> <p>12 A I don't know. I have no memory</p> <p>13 of what happened, how she ended up driving,</p> <p>14 how we even ended up on the Sea-Doo at all.</p> <p>15 I've spent most of the last year and a half,</p> <p>16 almost two years now, trying to piece that</p> <p>17 together.</p> <p>18 Q Have you talked to Hunter</p> <p>19 Whitlock about what happened that night?</p> <p>20 A I haven't talked to him.</p> <p>21 Q So he hasn't told you what he</p> <p>22 remembers about telling you that he would</p> <p>23 drive you and Alya back to your boat?</p>
Page 62	Page 64
<p>1 remember, that we didn't spend much time at</p> <p>2 the marina when we got there. I didn't</p> <p>3 remember us changing clothes or anything so</p> <p>4 that makes sense. I didn't remember being</p> <p>5 at El Barrio eating, but maybe I was in</p> <p>6 there eating a burrito before we left. I do</p> <p>7 remember us taking her car.</p> <p>8 Q Daniel, who owned the Sea-Doo</p> <p>9 that you had that July 5th night?</p> <p>10 A I did.</p> <p>11 Q You can see how it would be I'm</p> <p>12 just going to say careless to go out on</p> <p>13 Smith Lake after 10:00 at night after</p> <p>14 drinking without illumination of your path</p> <p>15 and being in an area you're unfamiliar with,</p> <p>16 if that's what happened, can't you?</p> <p>17 MR. WOLTER: Object to the form.</p> <p>18 A I can see how that would be a</p> <p>19 problem.</p> <p>20 Q And you can see how it would be</p> <p>21 careless if you as the owner let Alya drive</p> <p>22 the Jet Ski in the dark without illumination</p> <p>23 and being in an area you were unfamiliar</p>	<p>1 A He has not told me anything.</p> <p>2 Q You haven't talked to his father?</p> <p>3 A I have not talked to his father.</p> <p>4 Well, I take that back. I talked to his</p> <p>5 father one time where someone was there</p> <p>6 saying that they knew me, and he wanted to</p> <p>7 confirm with me that it was somebody that I</p> <p>8 really knew. And that was the extent of the</p> <p>9 conversation.</p> <p>10 Q Have you seen the statement of</p> <p>11 the guy named Jack Horner that was outside</p> <p>12 on his property that night around midnight,</p> <p>13 said he heard the Sea-Doo and he watched it</p> <p>14 and it was traveling at a high rate of speed</p> <p>15 and it hit the dock?</p> <p>16 A I remember something from him. I</p> <p>17 remember him saying -- I remember a</p> <p>18 statement from him.</p> <p>19 Q Have you ever spoken with him?</p> <p>20 A I have not.</p> <p>21 Q So you don't know if what he is</p> <p>22 saying is accurate or not?</p> <p>23 A I don't.</p>

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1 Q You have no memory?
2 A I don't.
3 Q Have you made any effort to reach
4 out to the family of Alya?
5 A I did.
6 Q What did you do?
7 A When I realized -- when the drugs
8 wore off enough and the concussion, I went
9 to the grave site. And again, my days are
10 mixed up so I don't know exactly what day
11 this was in relation to when the funeral
12 was, but I think it was either that day or
13 the next day. And I bought flowers and a
14 note and I sent that to -- sent that to them
15 and said on the note, I want you to -- you
16 know, if you need anything, then, please
17 reach out to me. I didn't have their
18 number. Yari was my connection to the
19 family. I had never met the family. And I
20 called her and I missed her and I left a
21 voice mail and I said, you know, if they
22 want to talk, please let me know. And then
23 not I guess a few weeks after that I got a

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1 letter from a lawyer saying not to contact
2 them anymore. So I didn't try to do
3 anything else after that.
4 Q Do you still have contact with
5 Yari?
6 A I don't.
7 Q Why not?
8 A I don't know.
9 Q Did she break it off or did you?
10 A I mean, it wasn't -- I kind of --
11 after the accident I was -- I wasn't really
12 reaching out and communicating with anyone.
13 Unless someone reached out to me, for the
14 most part, I just didn't see a lot of people
15 for several months afterwards. And then
16 when I started getting back out a little bit
17 more, you know, I saw her in passing once or
18 twice at events but, you know, by that
19 point, I learned that the -- that everyone
20 was blaming me for this and that -- not
21 everyone, but that certain people were
22 blaming me, and I felt like she -- you know,
23 if she wanted to talk to me, she knew where

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1 I was. I was there, available. And I had
2 called her and told her that previously, and
3 so I kind of left the ball in her court
4 because I didn't want to be -- I didn't know
5 what her state of mind was, I guess.
6 Q Would Alya have known how to get
7 from the Whitlocks' house to Ryan's Creek,
8 where your boat was moored, on her own at
9 night?
10 A Probably not by herself, if she
11 was on the Sea-Doo by herself.
12 Q When you let her drive for that
13 one part that afternoon on Saturday, July
14 5th, how fast did she drive?
15 A She didn't open it all the way
16 up. I mean, we were kind of going -- I
17 couldn't really see the speedometer. I was
18 behind her. But I would guess kind of maybe
19 25, 30. I'm not really -- I'm just guessing
20 though.
21 Q Were both of you wearing your
22 jackets at that time?
23 A Yes. Yeah. I didn't let anyone

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1 get on the Sea-Doo without putting a jacket
2 on.
3 Q Has anyone told you if you had
4 your jackets on when you left the Whitlocks'
5 that night?
6 A No. I don't -- no one's told me.
7 Q Well, as you've struggled trying
8 to remember this incident, does it make any
9 sense to you that after drinking you would
10 get on that Sea-Doo that late at night
11 rather than accepting a ride home?
12 MR. WOLTER: Object to the form.
13 A From what I understand, we were
14 both sober when we left the Whitlocks.
15 Q Why do you understand that?
16 A From what I've been told by --
17 MR. WOLTER: Don't tell them
18 anything you've talked to lawyers about.
19 A I mean, so --
20 Q Have you been told that by any
21 friends or people that were actually at the
22 Whitlocks'?
23 A No. I haven't had any direct

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1 contact.
2 Q Well, does it make any sense
3 either that it being that late, you having
4 been drinking, and having been offered a
5 ride, that you would have Alya drive the Jet
6 Ski back to your marina?
7 A Again, I don't remember the
8 decision-making process, but I think that in
9 a normal night, when you're -- I always
10 traveled slow on the Sea-Doo, and with the
11 moon and stars reflecting off the water it
12 was beautiful at night.
13 Q Was it that night?
14 A As far as I remember, yes. I
15 mean, I don't -- you know, I don't know that
16 there were no clouds or anything, but I
17 remember that the day was beautiful, the
18 night was beautiful. And the marina was so
19 close. We both had our phones on us in
20 case, you know, we needed to use GPS if
21 there was an issue. You know, would I do
22 things differently now? Absolutely. Would
23 I take that ride? Yes.

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1 Q Would you what?
2 A Take that ride? Yes.
3 Q In the dark after drinking?
4 MR. WOLTER: I think he's talking
5 about the ride that was offered to him.
6 THE WITNESS: Right, yeah.
7 Q You would take the ride that was
8 offered to you?
9 A Yeah. I mean, knowing what I
10 know now, yes, I would have taken that ride
11 from Hunter.
12 Q So I want to ask you a very broad
13 question, and I know you're a lawyer and
14 lawyers rely on evidence. But I want to ask
15 you as a man, as you've tried to piece this
16 together, what do you think happened that
17 night?
18 MR. WOLTER: Object to the form.
19 A You know, I have tried to make
20 sense of it. I can't make sense of the fact
21 that there's a two-hour gap. I don't
22 know -- I mean, there's no way it would have
23 taken us two hours to get to the marina or

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1 two hours to get to the spot where the
2 accident happened, even putting along at a
3 really slow pace.
4 Q Well, let me interrupt you there.
5 How far is the place where this collision
6 with the dock happened from Ryan's Creek
7 Marina?
8 A It's farther than the Whitlocks'
9 house I think, but it's kind of -- trying to
10 describe it. So, like, the Whitlocks' house
11 is here, and then Ryan's Creek Marina, you
12 leave their house and go off kind of this
13 way and that part splits off that way where
14 the accident happened. So if you were going
15 from the marina to where the accident
16 happened, you wouldn't actually cross the
17 Whitlocks' house directly, but you would
18 kind of take the other part of the "Y."
19 Again, I'm going from memory.
20 Q Well, let me show you Exhibit 24.
21 Just diagram what you're saying for the
22 directions so we have an idea. You were
23 telling me where the marina would be, where

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1 the Whitlocks' would be and where this dock
2 was that was hit.
3 (Plaintiff's Exhibit
4 Number 24 was marked
5 for identification.)
6 A (Witness drawing.) So, you know,
7 you would take the left side of the fork to
8 go back to the marina and you take the right
9 to go to where the accident is.
10 Q And how many minutes or miles,
11 however you would characterize it, would you
12 put between the Whitlock house and the
13 marina, in your estimation?
14 A Probably five minutes or less
15 maybe. I'm not sure.
16 Q And how many minutes would it
17 take to get from --
18 A Maybe if you were -- I mean,
19 traveling at night probably, maybe take you
20 ten minutes.
21 Q So I'll put ten at night. And
22 how long or how far would it be from the
23 Whitlocks' to the accident dock?

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1 A Probably less. It's probably a
2 shorter distance from the Whitlocks'.
3 Again, I'm just estimating. I don't know
4 for sure.
5 Q This is lake area here right?
6 A Yes.
7 Q And this is what?
8 A That's land there.
9 Q This would be land down here?
10 A Yes.
11 Q All right. I interrupted you.
12 Was there anything else you want to say
13 about what you think happened?
14 MR. WOLTER: Object to the form.
15 A I have tried to figure it out and
16 I -- I don't know. I just don't know. It
17 doesn't make sense to me. I mean, not just
18 for her family's sake, for my own sake, I
19 would love to know.
20 Q That's all I have.
21
22 (Deposition concluded at 11:28 a.m.)
23

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1 C E R T I F I C A T E
2
3 S T A T E O F A L A B A M A)
4
5 I hereby certify that the above
6 and foregoing deposition was taken down
7 by me in stenotype, and the questions and
8 answers thereto were reduced to computer
9 print under my supervision, and that the
10 foregoing represents a true and correct
11 transcript of the deposition given by
12 said witness upon said hearing.
13
14 I further certify that I am
15 neither of counsel nor of kin to the
16 parties to the action, nor am I in
17 anywise interested in the result of said
18 cause.
19
20
21 Karen Hinch, Commissioner
ACCR #96
22
23

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Daniel B. Snyder

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EXHIBIT D

<p style="text-align: right;">Page 1</p> <p>1 IN THE CIRCUIT COURT OF</p> <p>2 CULLMAN COUNTY, ALABAMA</p> <p>3</p> <p>4 CASE NUMBER: CV-16-900001</p> <p>5</p> <p>6 MARINA STEWART-MAGEE, who</p> <p>7 sues as Administrator and</p> <p>8 Personal Representative of</p> <p>9 the Estate of Albina</p> <p>10 Agdasovna Sharifullina,</p> <p>11 Deceased,</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 DANIEL B. SNYDER,</p> <p>15 Defendant.</p> <p>16 DEPOSITION OF JEFFREY WHITLOCK</p> <p>17 In accordance with Rule 5 (d) of</p> <p>18 the Alabama Rules of Civil Procedure, as</p> <p>19 amended, effective May 15, 1988, I, MICHELLE</p> <p>20 L. PARVIN, am hereby delivering to Stephen D.</p> <p>21 Heninger the original transcript of the oral</p> <p>22 testimony taken on the 1st day of August,</p> <p>23 2017, along with exhibits.</p>	<p style="text-align: right;">Page 3</p> <p>1 IN THE CIRCUIT COURT OF</p> <p>2 CULLMAN COUNTY, ALABAMA</p> <p>3</p> <p>4 CASE NUMBER: CV-16-900001</p> <p>5</p> <p>6 MARINA STEWART-MAGEE, who</p> <p>7 sues as Administrator and</p> <p>8 Personal Representative of</p> <p>9 the Estate of Albina</p> <p>10 Agdasovna Sharifullina,</p> <p>11 Deceased,</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 DANIEL B. SNYDER,</p> <p>15 Defendant.</p> <p>16 S T I P U L A T I O N</p> <p>17 IT IS STIPULATED AND AGREED,</p> <p>18 by and between the parties through their</p> <p>19 respective counsel, that the deposition of</p> <p>20 JEFFREY WHITLOCK may be taken before Michelle</p> <p>21 L. Parvin, Commissioner, at the offices of</p> <p>22 Knight & Knight, 210 Second Street, SE,</p> <p>23 Cullman, Alabama, 35055, on the 1st day of</p>
<p style="text-align: right;">Page 2</p> <p>1 Please be advised that this is</p> <p>2 the same and not retained by the Court</p> <p>3 Reporter, nor filed with the Court.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 August, 2017.</p> <p>2 IT IS FURTHER STIPULATED AND</p> <p>3 AGREED that the signature to and the reading</p> <p>4 of the deposition by the witness is waived,</p> <p>5 the deposition to have the same force and</p> <p>6 effect as if full compliance had been had</p> <p>7 with all laws and rules of Court relating to</p> <p>8 the taking of depositions.</p> <p>9 IT IS FURTHER STIPULATED AND</p> <p>10 AGREED that it shall not be necessary for any</p> <p>11 objections to be made by counsel to any</p> <p>12 questions, except as to form or leading</p> <p>13 questions, and that counsel for the parties</p> <p>14 may make objections and assign grounds at the</p> <p>15 time of trial, or at the time said deposition</p> <p>16 is offered in evidence, or prior thereto.</p> <p>17 IT IS FURTHER STIPULATED AND</p> <p>18 AGREED that notice of filing of the</p> <p>19 deposition by the Commissioner is waived.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

Jeffrey Howard Whitlock**2 (5 - 8)**

<p style="text-align: right;">Page 5</p> <p style="text-align: center;">I N D E X</p> <p>EXAMINATION BY: PAGE NUMBER:</p> <p>Mr. Heninger 8</p> <p>Mr. Wolter 31</p> <p>Mr. Heninger 31</p> <p>EXHIBITS:</p> <p>Plaintiff's 1 23</p> <p>Drawing</p> <p>Plaintiff's 2 29</p> <p>Written statement</p>	<p style="text-align: right;">Page 7</p> <p>on behalf of the Plaintiff.</p> <p>DANIEL WOLTER LAW FIRM by Mr.</p> <p>Daniel S. Wolter, 402 Office Park Drive,</p> <p>Suite 100, Mountain Brook, Alabama, 35223,</p> <p>appearing on behalf of the Defendant.</p> <p>KNIGHT & KNIGHT, LLC, by Mr.</p> <p>Jason P. Knight, 210 Second Street, SE,</p> <p>Cullman, Alabama, 35055, appearing on behalf</p> <p>of the Witness.</p>
<p style="text-align: right;">Page 6</p> <p>IN THE CIRCUIT COURT OF</p> <p>CULLMAN COUNTY, ALABAMA</p> <p>CASE NUMBER: CV-16-900001</p> <p>MARINA STEWART-MAGEE, who</p> <p>sues as Administrator and</p> <p>Personal Representative of</p> <p>the Estate of Albina</p> <p>Agdasovna Sharifullina,</p> <p>Deceased,</p> <p>Plaintiff,</p> <p>vs.</p> <p>DANIEL B. SNYDER,</p> <p>Defendant.</p> <p>BEFORE:</p> <p>Michelle L. Parvin, Certified</p> <p>Court Reporter</p> <p>APPEARANCES:</p> <p>HENINGER GARRISON DAVIS, LLC, by</p> <p>Mr. Stephen D. Heninger, 2224 First Avenue</p> <p>North, Birmingham, Alabama, 35203, appearing</p>	<p style="text-align: right;">Page 8</p> <p>I, Michelle L. Parvin, a Court</p> <p>Reporter of Birmingham, Alabama, acting as</p> <p>Commissioner, certify that on this date, as</p> <p>provided by the Alabama Rules of Civil</p> <p>Procedure and the foregoing stipulation of</p> <p>counsel, there came before me at 210 Second</p> <p>Street, SE, Cullman, Alabama, 35055,</p> <p>beginning at 1:32 p.m., JEFFREY WHITLOCK,</p> <p>witness in the above cause, for oral</p> <p>examination, whereupon the following</p> <p>proceedings were had:</p> <p>JEFFREY WHITLOCK,</p> <p>being first duly sworn, was examined and</p> <p>testified as follows:</p> <p>THE COURT REPORTER: Okay. Usual</p> <p>stipulations?</p> <p>MR. HENINGER: That's fine.</p> <p>EXAMINATION BY MR. HENINGER:</p> <p>Q. Mr. Whitlock, would you give us</p>

Jeffrey Howard Whitlock**3 (9 - 12)**

<p style="text-align: right;">Page 9</p> <p>1 your full name?</p> <p>2 A. Jeffrey Howard Whitlock.</p> <p>3 Q. Are you Hunter Whitlock's father?</p> <p>4 A. Correct.</p> <p>5 Q. So, you have Hunter and Hollis.</p> <p>6 Any other children?</p> <p>7 A. Haley.</p> <p>8 Q. Do you own a lake house --</p> <p>9 A. I do.</p> <p>10 Q. -- at Smith Lake?</p> <p>11 Do you know the address for that</p> <p>12 lake house?</p> <p>13 A. I do.</p> <p>14 Q. What is it?</p> <p>15 A. 680 County Road Highway 218,</p> <p>16 Bremen, 35033.</p> <p>17 Q. How long have you owned that</p> <p>18 place?</p> <p>19 A. You know, a good question. I</p> <p>20 built it. I might have finished it in 2005</p> <p>21 or 6, something like that.</p> <p>22 Q. And what is your permanent</p> <p>23 residence address?</p>	<p style="text-align: right;">Page 11</p> <p>1 A. With the exception of one.</p> <p>2 Q. All right. What was the</p> <p>3 exception?</p> <p>4 A. Some fund-raiser.</p> <p>5 Q. In Birmingham?</p> <p>6 A. In Birmingham.</p> <p>7 Q. How did you first meet him?</p> <p>8 A. My daughter, Hollis, showed up</p> <p>9 one weekend with a boyfriend and four or five</p> <p>10 attorneys. He was one of them.</p> <p>11 Q. Was her boyfriend a lawyer?</p> <p>12 A. No, he was a producer at Channel</p> <p>13 6 maybe.</p> <p>14 Q. Well, good, then, she's got good</p> <p>15 taste, I guess.</p> <p>16 A. Well, she got rid of him and just</p> <p>17 got married to another one, got married.</p> <p>18 Q. Well, I'm here to ask you some</p> <p>19 questions about the 4th of July holiday back</p> <p>20 in 2014. And do you remember Daniel Snyder</p> <p>21 and a young lady named Albina or Alya being</p> <p>22 with him?</p> <p>23 A. Well, I knew he had a girl with</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Columbiana.</p> <p>2 Q. Can you give me the address?</p> <p>3 A. 2250 Beaver Creek Road,</p> <p>4 Columbiana, 35051.</p> <p>5 Q. Do you still work at Alabama</p> <p>6 Plate Cutting?</p> <p>7 A. You know, they're trying to run</p> <p>8 me off, but I'm still there.</p> <p>9 Q. What is your position there?</p> <p>10 A. Chairman, CEO, president.</p> <p>11 Q. Do you own it?</p> <p>12 A. It owns me. I need to be there</p> <p>13 now.</p> <p>14 Q. Well, we're going to get you back</p> <p>15 soon.</p> <p>16 A. There you go.</p> <p>17 Q. Do you know who Daniel Snyder is?</p> <p>18 A. Yes.</p> <p>19 Q. How long have you known Daniel</p> <p>20 Snyder?</p> <p>21 A. Met him about four times.</p> <p>22 Q. Every time you have seen him,</p> <p>23 would it have been at your lake house?</p>	<p style="text-align: right;">Page 12</p> <p>1 him. I don't really know her name.</p> <p>2 Q. Did you ever talk with her?</p> <p>3 A. Yeah, shortly, briefly. Not</p> <p>4 long.</p> <p>5 Q. Did you talk with him?</p> <p>6 A. A little bit.</p> <p>7 Q. Now, we've been told they had</p> <p>8 dinner at your place that night.</p> <p>9 A. You know, I don't know if they</p> <p>10 did or not. They were there. Now, whether</p> <p>11 they had dinner or not, I don't know.</p> <p>12 Q. Did you cook that night?</p> <p>13 A. I did.</p> <p>14 Q. What did you -- what did you</p> <p>15 cook?</p> <p>16 A. I smoked -- I smoked barbecue.</p> <p>17 Q. Did you have a lot of people at</p> <p>18 the house that night?</p> <p>19 A. I had my kids, all three kids,</p> <p>20 and some of their friends.</p> <p>21 Q. Was Daniel drinking alcohol while</p> <p>22 he was at your house?</p> <p>23 A. You know, I never really did see</p>

Page 13

1 that. I was down at the dock, 2:00, 3:00
 2 o'clock in the afternoon. He came by. He
 3 asked where Hollis, Hunter was. I told him
 4 they wasn't there. He left, came back about
 5 6:30.
 6 He did ask -- I had -- I had a
 7 beer. He did ask for one. I said I didn't
 8 have any. Bought for me. He left, came
 9 back. And she told me she worked for a
 10 distributor and gave out free drinks. She
 11 brought back three bottles. Two of them were
 12 still on the outside table outside where she
 13 set them down the next morning, and one of
 14 them was empty. And that one got emptied by
 15 shots.
 16 Q. Who was taking the shots?
 17 A. Not me. Truthfully, not me.
 18 But -- I don't know, just these kids.
 19 Q. Not just Daniel and her?
 20 A. I mean, I don't -- I didn't
 21 really see Daniel do it. She was the one
 22 that brought the bottle up, got everybody.
 23 Somebody went in the house, came out with

Page 14

1 Solo cups. Two rounds of it, and it was
 2 gone.
 3 Q. What was it?
 4 A. Don't know.
 5 Q. Do you know what any of the three
 6 bottles were?
 7 A. I remember one was some Tequila
 8 that had a horseshoe on it. I kept it for a
 9 year, threw it away. I thought the police
 10 would probably want it, somebody. There was
 11 another one, either a vodka or a rum, that
 12 was still full. And the empty one that --
 13 like I said, it literally just got -- two
 14 rounds, about ten people, and it was gone.
 15 Q. Do you remember about what time
 16 they left your house that night?
 17 A. You know, I started telling him
 18 he needed to leave right before dark. He
 19 was --
 20 Q. Why?
 21 A. He was on the Sea-Doo. And I was
 22 telling him to leave because it -- you know,
 23 it's illegal to run them, and he said, no, it

Page 15

1 wasn't. Yes, it is. I've owned them since
 2 '95. He said, well, I've read the law. The
 3 law says if I've got lights, I'm good to go.
 4 You're the attorney. I guess you know. So,
 5 then, I started telling him he needed to
 6 leave, because I honestly think it's
 7 dangerous to do it.
 8 Q. What, being on the lake when it's
 9 dark like that?
 10 A. I think, yeah. You know, I'd get
 11 on the lake in the pontoon boat, but I'm not
 12 going to get on a Sea-Doo. And I think you
 13 don't need to be on a Sea-Doo after dark.
 14 Q. What was the weather like that
 15 night?
 16 A. I don't remember.
 17 Q. But you do recall it was dark
 18 when he left?
 19 A. I started telling him right
 20 before -- probably right before 9:00 o'clock.
 21 And he probably left about thirty minutes
 22 thereafter or so.
 23 Q. Did you know that Hunter had

Page 16

1 offered to take them back to Ryan's Creek
 2 Marina?
 3 A. I negotiated the deal. I told
 4 him, got Hunter out there, and said, Hunter,
 5 you need to take him back. He didn't want to
 6 do it. That's why it took thirty minutes for
 7 him to leave.
 8 Q. Who, Daniel?
 9 A. Daniel.
 10 Q. At one point, was he willing to
 11 let Hunter take them back?
 12 A. When he finally -- when he
 13 finally left, he -- I'm sitting over here by
 14 my smoker (indicating). A table was there,
 15 I'm in the corner here, stairs going
 16 downstairs is right there (indicating). And
 17 he said, all right. I'll let Hunter do it.
 18 I said, good. Hunter came back up later and
 19 said, got down there and Daniel said, I've
 20 got this. The marina wasn't that far away
 21 from our house.
 22 Q. Daniel told us it's only about
 23 five minutes by water; does that sound right?

<p style="text-align: right;">Page 17</p> <p>1 A. It's probably less than that.</p> <p>2 Q. Did you see he and the girl,</p> <p>3 Alya, leave?</p> <p>4 A. No. I saw them leave at the top</p> <p>5 of the steps, yes.</p> <p>6 Q. Saw them going down?</p> <p>7 A. Saw them -- when he told me, she</p> <p>8 was with him. And she heard everything I</p> <p>9 told him, you know, it's dangerous. You hit</p> <p>10 a log, you know, you've got to get on a</p> <p>11 plane.</p> <p>12 Q. Did you hear her have any</p> <p>13 conversation about whether Daniel should</p> <p>14 listen to you and Hunter or not?</p> <p>15 A. Huh-uh.</p> <p>16 Q. She didn't pitch in at all?</p> <p>17 A. Not that I remember. If she did,</p> <p>18 I mean -- you know, I'm sure she did. She</p> <p>19 seemed to be -- I had a hard time</p> <p>20 understanding her. She had an accent.</p> <p>21 Q. Did she ever appear intoxicated</p> <p>22 to you?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 19</p> <p>1 A. That kind of looked like it.</p> <p>2 Yeah, that's it (indicating). That's where I</p> <p>3 was told it happened at, right there</p> <p>4 (indicating). In fact, if you look -- I just</p> <p>5 looked at it this past weekend because it's</p> <p>6 not far from my place either, and you can</p> <p>7 still see a dent in that dock right there</p> <p>8 (indicating).</p> <p>9 Q. Yeah, I think I'll show you</p> <p>10 Exhibit 13, and you can see it more up close.</p> <p>11 A. Uh-huh.</p> <p>12 Q. And Exhibit 14, right there</p> <p>13 (indicating).</p> <p>14 A. Yeah, that's right there</p> <p>15 (indicating). That's what I saw.</p> <p>16 Q. So, that --</p> <p>17 A. And I assume that's where it got</p> <p>18 hit. I'm not real sure.</p> <p>19 Q. Do you know whose property that</p> <p>20 is?</p> <p>21 A. No, I have no clue.</p> <p>22 Q. What is the name of that section</p> <p>23 of the lake?</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Did he?</p> <p>2 A. No.</p> <p>3 Q. Could you tell --</p> <p>4 A. In fact, nobody --</p> <p>5 Q. -- he had been drinking?</p> <p>6 A. -- nobody there that night looked</p> <p>7 to me to be intoxicated.</p> <p>8 Q. Are you familiar with where the</p> <p>9 Sea-Doo hit that night and this young lady</p> <p>10 lost her life?</p> <p>11 A. I went and looked at it later.</p> <p>12 Q. Do you know whose property that</p> <p>13 is?</p> <p>14 A. No, I don't.</p> <p>15 Q. Let me show you what was marked</p> <p>16 as Exhibit 11 to Danny Snyder's deposition.</p> <p>17 Does that property on the lake look familiar</p> <p>18 to you?</p> <p>19 A. That's not what I was told where</p> <p>20 it was hit. No, I don't know where that's</p> <p>21 at.</p> <p>22 Q. Let's try some others. How about</p> <p>23 Number 12 to his deposition?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. You know, I think that may be</p> <p>2 Sulphur Creek.</p> <p>3 Q. Sulphur Creek?</p> <p>4 A. I think so.</p> <p>5 Q. How far is this location shown on</p> <p>6 Plaintiff's Exhibit 14 to the Snyder</p> <p>7 deposition from your lake house?</p> <p>8 A. Closer than the marina.</p> <p>9 Q. Would you go past this location</p> <p>10 that's shown in Exhibit 14?</p> <p>11 A. You would have to make a right</p> <p>12 and go up in there.</p> <p>13 Q. I mean, if you were headed back</p> <p>14 to Ryan's Creek Marina from your place on</p> <p>15 this Sea-Doo, would you go by this</p> <p>16 location --</p> <p>17 A. No.</p> <p>18 Q. -- in Exhibit 14?</p> <p>19 A. No. You leave my house right</p> <p>20 here and go around the bend and go right</p> <p>21 around like that to the marina (indicating).</p> <p>22 Right where you make this bend, this goes way</p> <p>23 up in here, and it splits out this way and it</p>

<p style="text-align: right;">Page 21</p> <p>1 splits this way (indicating). And that is</p> <p>2 sitting right there (indicating).</p> <p>3 Q. So we'll have an idea about what</p> <p>4 you just showed us with your fingers, can you</p> <p>5 draw that? Show your lake house and orient</p> <p>6 us for the Ryan's Creek and then for the</p> <p>7 Sulphur Creek.</p> <p>8 A. The main thing I can remember</p> <p>9 is -- I didn't draw that right. It's</p> <p>10 probably right here (indicating). There's</p> <p>11 a -- this is where the kids always went</p> <p>12 wakeboarding (indicating). And this dead</p> <p>13 ends up in here and dead ends up in here</p> <p>14 (indicating). And there may be a little path</p> <p>15 this, that, and the other.</p> <p>16 Q. Okay. Which square is your lake</p> <p>17 house?</p> <p>18 A. Right here (indicating).</p> <p>19 Q. Okay. With the X in it?</p> <p>20 A. Right around here (indicating).</p> <p>21 Q. Okay. And put a -- put an M by</p> <p>22 the marina where Daniel's Sea-Doo would be.</p> <p>23 A. (Witness complies.)</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. I'm going to put wakeboarding.</p> <p>2 A. Probably hadn't been in that</p> <p>3 slough maybe twice in my life myself, maybe</p> <p>4 three times.</p> <p>5 Q. Is that a narrow slough?</p> <p>6 A. It's pretty wide where that house</p> <p>7 is. It's shallow. It's not very deep back</p> <p>8 in -- you know, it doesn't go very far back</p> <p>9 in there. I mean, I rode in there after the</p> <p>10 accident happened. Somebody told me where it</p> <p>11 was. I went and looked. And then, I think I</p> <p>12 Googled and saw a picture on the Internet.</p> <p>13 Q. I'm going to mark this as Exhibit</p> <p>14 1 to your deposition.</p> <p>15</p> <p>16 (Whereupon, Plaintiff's Exhibit 1</p> <p>17 was marked for identification and</p> <p>18 copy of same is attached hereto.)</p> <p>19</p> <p>20 Q. (BY MR. HENINGER) Do you go by</p> <p>21 Jeffrey or Jeff?</p> <p>22 A. Jeff.</p> <p>23 MR. HENINGER: I'm going to put</p>
<p style="text-align: right;">Page 22</p> <p>1 Okay. That's basically it.</p> <p>2 Q. Is this one where the collision</p> <p>3 with the dock occurred (indicating)?</p> <p>4 A. I believe so.</p> <p>5 Q. Okay. Let me clarify that.</p> <p>6 A. Similar to that, you know, close</p> <p>7 to what I believe.</p> <p>8 Q. And these circles, you say, are</p> <p>9 dead ends?</p> <p>10 A. Yeah, just back in the back, back</p> <p>11 of the slough.</p> <p>12 Q. Where the slough ends?</p> <p>13 A. Right.</p> <p>14 Q. And what'd you say about</p> <p>15 wakeboarding?</p> <p>16 A. The kids, when I bought them a</p> <p>17 wakeboard, they'd go back in that slough and</p> <p>18 wakeboard.</p> <p>19 Q. Which one or both of them?</p> <p>20 A. Not that one, the other one.</p> <p>21 Q. This one (indicating)?</p> <p>22 A. Yeah, which is more the main</p> <p>23 drag.</p>	<p style="text-align: right;">Page 24</p> <p>1 Jeff Hunter at the bottom so we can know the</p> <p>2 difference, Michelle.</p> <p>3 THE WITNESS: Yeah, I don't know</p> <p>4 if Hunter's ever -- if he knows -- I know he</p> <p>5 knows the slough, but I don't know if he</p> <p>6 knows that dock. He may have. I've never</p> <p>7 talked to him about it.</p> <p>8 Q. He said it didn't look familiar</p> <p>9 to him.</p> <p>10 A. You wouldn't see it unless you</p> <p>11 went in it.</p> <p>12 Q. Into the slough?</p> <p>13 A. Right. I'm assuming he had to be</p> <p>14 going that way because there's dirt and an</p> <p>15 island coming out of it, you know. If you</p> <p>16 went back in the back and turned -- he had to</p> <p>17 hit it coming in, which showed the mark on</p> <p>18 the dock. That's the only reason I think he</p> <p>19 hit it there.</p> <p>20 Q. I'm not sure I understand what</p> <p>21 you're saying.</p> <p>22 A. I said, the only reason I think</p> <p>23 he hit it there is because I saw the damage</p>

<p style="text-align: right;">Page 25</p> <p>1 to the dock.</p> <p>2 Q. Right.</p> <p>3 A. I don't know if they repaired it</p> <p>4 or -- I'm assuming that what you had circled,</p> <p>5 I saw Sunday.</p> <p>6 Q. Uh-huh. Now, if Daniel Snyder</p> <p>7 left your lake house at around 10:00 and this</p> <p>8 collision occurred --</p> <p>9 A. Probably 9:30 and 10:00,</p> <p>10 somewhere in that neighborhood.</p> <p>11 Q. If so, when this collision</p> <p>12 happened around midnight, have you got any</p> <p>13 idea or information about what happened in</p> <p>14 that two or two-and-a-half-hour period?</p> <p>15 A. I'm assuming they went back to</p> <p>16 his cruiser.</p> <p>17 Q. Where was that, at the marina?</p> <p>18 A. Ryan Creek, uh-huh.</p> <p>19 Q. What makes you assume that?</p> <p>20 A. Because that's where they were</p> <p>21 headed.</p> <p>22 Q. That's what he said?</p> <p>23 A. Yeah.</p>	<p style="text-align: right;">Page 27</p> <p>1 A. I didn't know. I didn't see it.</p> <p>2 I saw them at the top of the stairs.</p> <p>3 Q. During the day at all, did you</p> <p>4 see who was driving that Sea-Doo?</p> <p>5 A. Saw him one time. The first time</p> <p>6 that afternoon when I was down on my dock, he</p> <p>7 came by and he was driving and she was on the</p> <p>8 back. That's the only time I ever saw him on</p> <p>9 the Sea-Doo.</p> <p>10 Q. Has anyone given you any</p> <p>11 information or have you overheard anything</p> <p>12 about what went on during that two or</p> <p>13 two-and-a-half-hour period before this</p> <p>14 collision?</p> <p>15 A. Huh-uh. I tried to contact him</p> <p>16 to see if he was okay. Never heard a word</p> <p>17 from him.</p> <p>18 Q. Have you talked to him since?</p> <p>19 A. Never heard a word from him.</p> <p>20 Q. Have you talked to his brother or</p> <p>21 anyone in his family?</p> <p>22 A. His brother did. I believe his</p> <p>23 brother called and asked some questions. And</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. He actually told you that's where</p> <p>2 he was going?</p> <p>3 A. Good question. We talked about</p> <p>4 going by car. And it's a circle at my house.</p> <p>5 We had to move too many cars to get out. Run</p> <p>6 him back to the marina, Hunter taking him to</p> <p>7 the marina.</p> <p>8 Q. In the boat?</p> <p>9 A. Yeah. So, I mean, that's the</p> <p>10 only way I can say that the marina is, that</p> <p>11 that's what we talked about was taking him by</p> <p>12 car first, come back and get his Sea-Doo</p> <p>13 tomorrow. And the next day -- the next thing</p> <p>14 was Hunter taking him by boat to the marina.</p> <p>15 Q. And that was clear in the</p> <p>16 conversation that's what the plan was?</p> <p>17 A. Oh, definitely clear. That part</p> <p>18 was definitely clear.</p> <p>19 Q. And you never heard him say that</p> <p>20 he was going to go anywhere else?</p> <p>21 A. No.</p> <p>22 Q. Do you know who was driving the</p> <p>23 Sea-Doo when they left?</p>	<p style="text-align: right;">Page 28</p> <p>1 it was something about taking the boat back</p> <p>2 to Gunter'sville. And somewhere along the</p> <p>3 line -- I don't know if it was his brother or</p> <p>4 somebody made mention that they found her</p> <p>5 with the Sea-Doo key on her vest, but, you</p> <p>6 know, that's just not -- hearsay, I guess.</p> <p>7 And I don't know if that was the brother or</p> <p>8 somebody else made mention of that.</p> <p>9 Q. Did you ever talk to any</p> <p>10 investigators?</p> <p>11 A. Oh, yeah.</p> <p>12 Q. See, I've seen -- have you seen</p> <p>13 the written investigation?</p> <p>14 A. No.</p> <p>15 Q. There's no mention of any key to</p> <p>16 the Sea-Doo being on her vest.</p> <p>17 A. No, I have not seen it.</p> <p>18 Q. Did you know any of the</p> <p>19 investigators?</p> <p>20 A. Oh, yeah, I know John Williams.</p> <p>21 Q. How do you know John?</p> <p>22 A. Know his ordinance, tickets.</p> <p>23 Boat, not hell raising in my house. Boats.</p>

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1 Q. Anything else that you think
2 might be of benefit to us to understand how
3 this happened?
4 A. No, I mean, you know, the day
5 that they came up and took -- John and the
6 sheriff --
7 THE WITNESS: You were there.
8 A. -- the statement and talked to me
9 about it, all they said was, basically,
10 they -- he was hanging on the dock, and she
11 was face down across a wire in the water.
12 Q. I think I've got a written
13 statement from you, It's very short, Jeff,
14 I'm going to mark as Exhibit 2. Just ask you
15 if you can confirm this is the written
16 statement you gave to the investigators on
17 the 14th of July, 2014.
18
19 (Whereupon, Plaintiff's Exhibit 2
20 was marked for identification and
21 copy of same is attached hereto.)
22
23 A. Yeah, that's what I gave him,

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1 but, you know, I did -- they did come by
2 around 6:00, left about 6:20, and came back
3 about probably 7:30 or so, 7:45, left
4 probably 9:30 or 10:00, somewhere in that
5 neighborhood.
6 Now, when I saw him at 3:00 --
7 2:00 or 3:00 or somewhere in there, it was
8 down on the dock on the Sea-Doo.
9 Q. (BY MR. HENINGER) At your dock?
10 A. My dock. When I saw him the
11 second time, I'm sitting up there by myself,
12 and he and her walked up, which is a hundred
13 and ten steps.
14 Q. A hundred and ten?
15 A. A hundred and ten.
16 Q. And it's a hundred and ten down,
17 too, isn't it?
18 A. A hundred and ten down. Those
19 are easy. It's the hundred and ten up that's
20 the problem.
21 MR. HENINGER: That's all I have.
22 Thank you.
23

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1 EXAMINATION BY MR. WOLTER:
2
3 Q. Mr. Whitlock, I'm Danny Wolter,
4 and I represent Daniel Snyder. Just a couple
5 of questions.
6 A. Okay.
7 Q. You don't know who was driving
8 the Sea-Doo when it left that night, correct?
9 A. Didn't look, didn't see, no, sir.
10 Q. And you don't have any idea who
11 was driving the Sea-Doo when this accident
12 occurred, do you?
13 A. I have no idea.
14 Q. And nobody has given you an
15 opinion as to who was driving at the time of
16 the accident?
17 A. Nobody gave me an opinion.
18 MR. WOLTER: Thank you. That's
19 all I have.
20
21 FURTHER EXAMINATION BY MR. HENINGER:
22
23 Q. Just this: While Daniel and Alya

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1 were at your lake house that night, did you
2 ever see them argue?
3 A. No.
4 Q. Did they seem to be getting along
5 just fine?
6 A. She seemed to be a happy-go --
7 you know, a happy-go-lucky girl. You know, I
8 was told that she worked for a distributor
9 giving away free drinks. When he found out I
10 didn't really have any booze, he said, hey,
11 you know -- she piped up and said, hey, I've
12 got a trunk loaded. I've got a trunk full of
13 it. And I actually told her, I don't need
14 it.
15 My oldest daughter, Haley and my
16 two grandkids was there, and there was not
17 going to be a dadgum hoedown, okay? She
18 would have picked herself up with my
19 grandkids and left.
20 MR. HENINGER: Thanks. That's
21 all I have.
22 MR. WOLTER: Thank you.
23 FURTHER DEPONENT SAITH NOT.

1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 JEFFERSON COUNTY)

5 I hereby certify that the above

6 and foregoing deposition was taken down by me

7 in stenotype, and the questions and answers

8 thereto were transcribed by means of

9 computer-aided transcription, and that the

10 foregoing represents a true and correct

11 transcript of the testimony given by said

12 witness upon said hearing.

13 I further certify that I am

14 neither of counsel, nor of kin to the parties

15 to the action, nor am I an anywise interested

16 in the result of said cause.

17

18 s/s Michelle L. Parvin

19 MICHELLE L. PARVIN

20 Certified Court Reporter

21 License Number 126

22 Commission expires 9/30/17

23 Notary Public expires 1/26/18

EXHIBIT E

<p style="text-align: right;">Page 1</p> <p>1 IN THE CIRCUIT COURT OF</p> <p>2 CULLMAN COUNTY, ALABAMA</p> <p>3</p> <p>4 CASE NUMBER: CV-16-900001</p> <p>5</p> <p>6 MARINA STEWART-MAGEE, who</p> <p>7 sues as Administrator and</p> <p>8 Personal Representative of</p> <p>9 the Estate of Albina</p> <p>10 Agdasovna Sharifullina,</p> <p>11 Deceased,</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 DANIEL B. SNYDER,</p> <p>15 Defendant.</p> <p>16 DEPOSITION OF HUNTER WHITLOCK</p> <p>17 In accordance with Rule 5 (d) of</p> <p>18 the Alabama Rules of Civil Procedure, as</p> <p>19 amended, effective May 15, 1988, I, MICHELLE</p> <p>20 L. PARVIN, am hereby delivering to STEPHEN D.</p> <p>21 HENINGER the original transcript of the oral</p> <p>22 testimony taken on the 1st day of August,</p> <p>23 2017, along with exhibits.</p>	<p style="text-align: right;">Page 3</p> <p>1 IN THE CIRCUIT COURT OF</p> <p>2 CULLMAN COUNTY, ALABAMA</p> <p>3</p> <p>4 CASE NUMBER: CV-16-900001</p> <p>5</p> <p>6 MARINA STEWART-MAGEE, who</p> <p>7 sues as Administrator and</p> <p>8 Personal Representative of</p> <p>9 the Estate of Albina</p> <p>10 Agdasovna Sharifullina,</p> <p>11 Deceased,</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 DANIEL B. SNYDER,</p> <p>15 Defendant.</p> <p>16 S T I P U L A T I O N</p> <p>17 IT IS STIPULATED AND AGREED,</p> <p>18 by and between the parties through their</p> <p>19 respective counsel, that the deposition of</p> <p>20 HUNTER WHITLOCK may be taken before Michelle</p> <p>21 L. Parvin, Commissioner, at the offices of</p> <p>22 Knight & Knight, 210 Second Street, SE,</p> <p>23 Cullman, Alabama, 35055, on the 1st day of</p>
<p style="text-align: right;">Page 2</p> <p>1 Please be advised that this is</p> <p>2 the same and not retained by the Court</p> <p>3 Reporter, nor filed with the Court.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 August, 2017.</p> <p>2 IT IS FURTHER STIPULATED AND</p> <p>3 AGREED that the signature to and the reading</p> <p>4 of the deposition by the witness is waived,</p> <p>5 the deposition to have the same force and</p> <p>6 effect as if full compliance had been had</p> <p>7 with all laws and rules of Court relating to</p> <p>8 the taking of depositions.</p> <p>9 IT IS FURTHER STIPULATED AND</p> <p>10 AGREED that it shall not be necessary for any</p> <p>11 objections to be made by counsel to any</p> <p>12 questions, except as to form or leading</p> <p>13 questions, and that counsel for the parties</p> <p>14 may make objections and assign grounds at the</p> <p>15 time of trial, or at the time said deposition</p> <p>16 is offered in evidence, or prior thereto.</p> <p>17 IT IS FURTHER STIPULATED AND</p> <p>18 AGREED that notice of filing of the</p> <p>19 deposition by the Commissioner is waived.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<p style="text-align: right;">Page 5</p> <p style="text-align: center;">I N D E X</p> <p>EXAMINATION BY: PAGE NUMBER:</p> <p>Mr. Heninger 9</p> <p>Mr. Wolter 35</p> <p>EXHIBITS:</p> <p>Plaintiff's 1 18</p> <p>Written statement</p>	<p style="text-align: right;">Page 7</p> <p>on behalf of the Plaintiff.</p> <p>DANIEL WOLTER LAW FIRM by Mr. Daniel S. Wolter, 402 Office Park Drive, Suite 100, Mountain Brook, Alabama, 35223, appearing on behalf of the Defendant.</p> <p>KNIGHT & KNIGHT, LLC, by Mr. Jason P. Knight, 210 Second Street, SE, Cullman, Alabama, 35055, appearing on behalf of the Witness.</p>
<p style="text-align: right;">Page 6</p> <p>IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA</p> <p>CASE NUMBER: CV-16-900001</p> <p>MARINA STEWART-MAGEE, who sues as Administrator and Personal Representative of the Estate of Albina Agdasovna Sharifullina, Deceased, Plaintiff, vs. DANIEL B. SNYDER, Defendant.</p> <p>BEFORE: Michelle L. Parvin, Certified Court Reporter</p> <p>APPEARANCES: HENINGER GARRISON DAVIS, LLC, by Mr. Stephen D. Heninger, 2224 First Avenue North, Birmingham, Alabama, 35203, appearing</p>	<p style="text-align: right;">Page 8</p> <p>I, Michelle L. Parvin, a Court Reporter of Birmingham, Alabama, acting as Commissioner, certify that on this date, as provided by the Alabama Rules of Civil Procedure and the foregoing stipulation of counsel, there came before me at 210 Second Street, SE, Cullman, Alabama, 35055, beginning at 1:04 p.m., HUNTER WHITLOCK, witness in the above cause, for oral examination, whereupon the following proceedings were had:</p> <p>HUNTER WHITLOCK, being first duly sworn, was examined and testified as follows:</p> <p>THE COURT REPORTER: Okay. Usual stipulations?</p> <p>MR. WOLTER: Sure.</p> <p>MR. HENINGER: That's fine.</p>

<p style="text-align: right;">Page 9</p> <p>1 EXAMINATION BY MR. HENINGER:</p> <p>2</p> <p>3 Q. Hunter, I'm Steve Heninger, and I</p> <p>4 represent the mother of Albina that was</p> <p>5 killed that's involved in this case. Would</p> <p>6 you give us your full name for the record?</p> <p>7 A. Jeffrey Hunter Whitlock.</p> <p>8 Q. What is your residence address?</p> <p>9 A. 4113 Clover Leaf Drive,</p> <p>10 Birmingham, Alabama.</p> <p>11 Q. Are you married?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you been married?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you live by yourself?</p> <p>16 A. I have a roommate.</p> <p>17 Q. Where are you employed?</p> <p>18 A. Alabama Plate Cutting.</p> <p>19 Q. Is your father also employed</p> <p>20 there?</p> <p>21 A. Yes.</p> <p>22 Q. What is your position with that</p> <p>23 company?</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. Where does Hollis work?</p> <p>3 A. I don't know.</p> <p>4 Q. Is she younger or older than you?</p> <p>5 A. Older.</p> <p>6 Q. Now, I'm here to ask you some</p> <p>7 questions about the 4th of July weekend and</p> <p>8 Holiday in 2014. We have taken the</p> <p>9 deposition of Mr. Snyder, and I want to ask</p> <p>10 you some questions to see if he is correct in</p> <p>11 some of his recollection or incorrect. And</p> <p>12 there's some things he doesn't recollect, and</p> <p>13 I want to see if you do have a memory about</p> <p>14 it. Have you read his deposition?</p> <p>15 A. No, sir.</p> <p>16 Q. Have you spoken to Daniel Snyder</p> <p>17 about this incident?</p> <p>18 A. No, sir. I haven't seen him</p> <p>19 since that day he left the dock. That was</p> <p>20 the last time I spoke to him.</p> <p>21 Q. When Alya or Albina was still</p> <p>22 alive?</p> <p>23 A. Yes, sir.</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Manager.</p> <p>2 Q. All right. Do you or your family</p> <p>3 have a lake house at Smith Lake?</p> <p>4 A. They do. My father does.</p> <p>5 Q. Is there an address for that?</p> <p>6 A. I don't know it. I think it's</p> <p>7 680 County Road 118 maybe.</p> <p>8 THE WITNESS: Is that right?</p> <p>9 A. I don't really know, to be honest</p> <p>10 with you. I've never needed to know.</p> <p>11 Q. How old are you?</p> <p>12 A. Twenty-nine.</p> <p>13 Q. Do you know Daniel Snyder?</p> <p>14 A. He's -- yes. Not very well.</p> <p>15 Q. When did you first meet Daniel</p> <p>16 Snyder?</p> <p>17 A. I couldn't -- maybe -- I couldn't</p> <p>18 really tell you when. 2010ish maybe. He was</p> <p>19 a friend of my sister's and that's how I met</p> <p>20 him.</p> <p>21 Q. Is your sister named Hollis?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Is that a yes?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. HENINGER: And that's</p> <p>2 A-l-y-a, Michelle.</p> <p>3 Q. Was Daniel invited to come to</p> <p>4 your parents' lake house?</p> <p>5 A. No, sir, he just showed up that</p> <p>6 day.</p> <p>7 Q. Do you know what time he showed</p> <p>8 up?</p> <p>9 A. I couldn't tell you. It was</p> <p>10 evening. It was probably around 6:00</p> <p>11 o'clock, 6:30 when he got there.</p> <p>12 Q. Was Hollis there as well?</p> <p>13 A. I believe she was.</p> <p>14 Q. Did she have any friends with</p> <p>15 her?</p> <p>16 A. I don't recall. I don't believe</p> <p>17 she did.</p> <p>18 Q. Daniel Snyder has told us that</p> <p>19 when he and Alya got to Smith Lake, they got</p> <p>20 on his Sea-Doo and went to your parents' lake</p> <p>21 house, but that it was not -- it was probably</p> <p>22 open but nobody was home. Do you know</p> <p>23 anything about that?</p>

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1 A. I believe he stopped by and we
 2 were gone. All the young people had gone out
 3 on the boat. I don't know for certain, but I
 4 believe my dad was there. I think he talked
 5 to them and told him we weren't there.
 6 Q. Did you go to the pool party that
 7 he says he went to?
 8 A. Yes, sir.
 9 Q. Whose house was that?
 10 A. Bill Kepsil.
 11 MR. WOLTER: That last name?
 12 THE WITNESS: Kepsil.
 13 MR. WOLTER: Kepsil.
 14 Q. (BY MR. HENINGER) Do you know
 15 how to spell that?
 16 A. No, sir.
 17 Q. Was Hollis also there?
 18 A. Yes, sir.
 19 Q. Had you met Alya, the girl that
 20 was with Daniel that day, before that day?
 21 A. No, sir.
 22 Q. So, that was the first day you'd
 23 met her?

Page 14

1 A. Yes, sir.
 2 Q. Have you ever been on the Sea-Doo
 3 that he had at that time?
 4 A. No, sir.
 5 Q. Have you seen him on it?
 6 A. Yes, sir.
 7 Q. Had you seen him on it before
 8 that day?
 9 A. Yes, sir.
 10 Q. Did you ever see Alya drive that
 11 Sea-Doo that day?
 12 A. No, sir.
 13 Q. And did you see Daniel drive it?
 14 A. Yes, sir.
 15 Q. Now, he has described the place
 16 where he would keep his Sea-Doo as being
 17 about five minutes by water away from your
 18 parents' house at the lake; is that about
 19 right?
 20 A. Yes, sir.
 21 Q. Had you ever been to the marina
 22 where he kept his Sea-Doo?
 23 A. Yes, sir.

Page 15

1 Q. And I think they call that Ryan's
 2 Creek, don't they?
 3 A. It seems to change every year.
 4 MR. KNIGHT: Yeah.
 5 A. I don't know what it's called
 6 now.
 7 MR. KNIGHT: Trident Marina.
 8 THE WITNESS: Yeah, that's
 9 correct.
 10 Q. (BY MR. HENINGER) Were you at
 11 the lake house all day except for times when
 12 you might be out on the boat or at the pool
 13 party?
 14 A. Yes, sir.
 15 Q. Did someone invite Daniel and
 16 Alya to come back to your house for dinner?
 17 A. No, sir.
 18 Q. Did they show up for dinner?
 19 A. I don't know if they were there
 20 for dinner or not. They just were there. I
 21 don't know if -- but, no, the answer is,
 22 they -- I don't believe they were invited to
 23 the house for dinner, no.

Page 16

1 Q. Do you remember Daniel bringing
 2 liquor --
 3 A. I didn't --
 4 Q. -- as a thank you for that?
 5 A. I didn't personally invite him.
 6 My sister, who was, you know, his friend, she
 7 may have said come on, but I don't recall
 8 ever hearing that.
 9 Q. I understand. Do you remember
 10 Daniel bringing some liquor back just before
 11 dinner as a thank you for the invitation?
 12 A. I don't believe it was any -- I
 13 don't believe he brought it as a gift or
 14 anything. He just had it.
 15 Q. Was he intoxicated that night?
 16 A. In my opinion, no, when I left
 17 him, when he left me.
 18 Q. Was he drinking?
 19 A. I couldn't answer that to --
 20 truthfully. I never actually witnessed him
 21 drinking.
 22 Q. Was Alya, the girl he was with,
 23 intoxicated?

<p style="text-align: right;">Page 17</p> <p>1 A. In my opinion, no, but there</p> <p>2 again, I never witnessed her drinking.</p> <p>3 Q. Well, how much time did you</p> <p>4 actually spend with Daniel or Alya at the</p> <p>5 lake house before they left that night?</p> <p>6 A. I mean, it seems like they were</p> <p>7 only there maybe three hours. It seems like</p> <p>8 they got there around 6:30 and left somewhere</p> <p>9 around 9:00.</p> <p>10 Q. Well, were they in your presence</p> <p>11 that whole time or moving around with other</p> <p>12 people?</p> <p>13 A. Moving around.</p> <p>14 Q. What do you recall them doing</p> <p>15 during that three-hour period?</p> <p>16 A. Talking with people.</p> <p>17 Q. Were they both drinking alcoholic</p> <p>18 beverages?</p> <p>19 A. I told you I can't answer that.</p> <p>20 I don't know. I didn't personally witness</p> <p>21 them pour a drink and consume it. I didn't</p> <p>22 see that.</p> <p>23 Q. Were you?</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Yes, sir.</p> <p>2 Q. Is it still true?</p> <p>3 A. Let me read through it. The only</p> <p>4 thing I don't specifically recall is the</p> <p>5 times, but from what I see here, it sounds</p> <p>6 about accurate.</p> <p>7 Q. That's your best judgment?</p> <p>8 A. Yes.</p> <p>9 Q. Now, how did it arise that when</p> <p>10 Daniel was about to leave that you approached</p> <p>11 him about not taking his Sea-Doo?</p> <p>12 A. What do you -- what do you mean?</p> <p>13 Q. Well, what caused you to even</p> <p>14 make him the offer to drive him back to the</p> <p>15 marina rather than have him go out on the</p> <p>16 Sea-Doo that late at night?</p> <p>17 A. It was dark and I was under the</p> <p>18 impression that it was illegal to ride a</p> <p>19 Sea-Doo at night even with or without lights</p> <p>20 on it. I didn't know the law, but that's</p> <p>21 what I thought it was. So, that's why I told</p> <p>22 him he didn't need to ride it.</p> <p>23 Q. And what was his response?</p>
<p style="text-align: right;">Page 18</p> <p>1 A. No, sir.</p> <p>2 Q. There was a witness statement</p> <p>3 taken from you by the investigating</p> <p>4 authorities about this death. Do you</p> <p>5 remember that?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Let me show you what I'm going to</p> <p>8 mark as Plaintiff's Exhibit 1.</p> <p>9</p> <p>10 (Whereupon, Plaintiff's Exhibit 1</p> <p>11 was marked for identification and</p> <p>12 copy of same is attached hereto.)</p> <p>13</p> <p>14 Q. (BY MR. HENINGER) Have you had a</p> <p>15 chance to see that before the deposition?</p> <p>16 A. I just saw it before I walked in</p> <p>17 here.</p> <p>18 Q. Is that your handwriting?</p> <p>19 A. It is.</p> <p>20 Q. On both pages?</p> <p>21 A. Yes, that's mine.</p> <p>22 Q. When you gave that statement, was</p> <p>23 that to the best of your honest recollection?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. He said -- I guess he agreed to</p> <p>2 let me drive him in the boat. We walked down</p> <p>3 to the dock. We get down to the dock, and he</p> <p>4 said, I'm good. I've got these lights. You</p> <p>5 know, it's legal. It's fine. It's only five</p> <p>6 minutes. I'm good.</p> <p>7 Q. Well, do you recall -- and he has</p> <p>8 told us under oath that the Sea-Doo had no</p> <p>9 headlights; do you remember that?</p> <p>10 A. Correct, it does not have</p> <p>11 headlights.</p> <p>12 Q. And it didn't have any rear</p> <p>13 lights. It just had that little pole that</p> <p>14 sticks up that's got a small light at the</p> <p>15 top?</p> <p>16 A. Negative. He had a stick-on red</p> <p>17 and green light with a suction cup to stick</p> <p>18 that on, and then, he had a three hundred and</p> <p>19 sixty degree kind of like a Coleman lantern,</p> <p>20 small lantern, three hundred and sixty</p> <p>21 degree, whoever, I saw it being held up in</p> <p>22 the -- in the air.</p> <p>23 Q. Who was holding that?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. I couldn't tell you.</p> <p>2 Q. But it had to be hand held?</p> <p>3 A. Yes.</p> <p>4 Q. And that -- you saw that as the</p> <p>5 Sea-Doo was leaving your dock?</p> <p>6 A. Correct.</p> <p>7 Q. So, your offer was to take Daniel</p> <p>8 and Alya back to his marina in your father's</p> <p>9 boat?</p> <p>10 A. Correct.</p> <p>11 Q. And that was a short distance, I</p> <p>12 take it?</p> <p>13 A. Correct.</p> <p>14 Q. By water anyway?</p> <p>15 A. (Witness nods head.)</p> <p>16 Q. How far would that be if you had</p> <p>17 to drive it in a car?</p> <p>18 A. Probably the same, five minutes.</p> <p>19 Q. And as I understand it, he</p> <p>20 initially agreed to that?</p> <p>21 A. Correct.</p> <p>22 Q. But, then, changed his mind?</p> <p>23 A. Correct.</p>	<p style="text-align: right;">Page 23</p> <p>1 throttle.</p> <p>2 Q. Was the lantern that you</p> <p>3 described being hand held pretty bright?</p> <p>4 A. Relative to what? I mean, yeah,</p> <p>5 it was bright, I guess.</p> <p>6 Q. I don't know. I wasn't there.</p> <p>7 Just asking your perception.</p> <p>8 A. My perception was, yes, it was a</p> <p>9 fairly bright light.</p> <p>10 Q. Could you tell who was driving</p> <p>11 the Sea-Doo?</p> <p>12 A. No, sir.</p> <p>13 Q. Do you have an opinion?</p> <p>14 A. No, sir.</p> <p>15 MR. WOLTER: Object to the form.</p> <p>16 Q. (BY MR. HENINGER) But I believe</p> <p>17 you told me earlier, you'd seen Daniel</p> <p>18 driving it earlier that day?</p> <p>19 A. Correct.</p> <p>20 Q. Not Alya?</p> <p>21 A. Correct.</p> <p>22 Q. Had you seen her on it as a</p> <p>23 passenger behind him?</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Did you see Daniel and/or Alya</p> <p>2 put on their life jackets?</p> <p>3 A. I did.</p> <p>4 Q. Did they have them on before they</p> <p>5 were going to get into your boat for you to</p> <p>6 drive them?</p> <p>7 A. No.</p> <p>8 Q. But you saw them on before they</p> <p>9 got on the Sea-Doo?</p> <p>10 A. I believe I wrote it right here,</p> <p>11 I saw them -- I then saw him and his friend</p> <p>12 putting on life jackets. When they were</p> <p>13 putting on the life jackets, I walked -- I</p> <p>14 walked away. I was done. So, I was going</p> <p>15 upstairs. I walked across the bridge. I</p> <p>16 started up the stairs. I heard the Sea-Doo</p> <p>17 start up. I turned around, I saw a green</p> <p>18 light and the white light being held up.</p> <p>19 Q. The lantern being held up?</p> <p>20 A. (Witness nods head.)</p> <p>21 Q. Was the Sea-Doo moving at that</p> <p>22 time when you noticed that?</p> <p>23 A. It must have been. I heard the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Correct.</p> <p>2 Q. Anyone else behind him as a</p> <p>3 passenger during the day that you saw it?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you ever see anyone else</p> <p>6 operate the Sea-Doo that day?</p> <p>7 A. No, sir.</p> <p>8 Q. What do you remember about Alya</p> <p>9 saying that she'd forgotten her cell phone</p> <p>10 and had to go up to the house to get it</p> <p>11 before they left?</p> <p>12 A. That's it. I remember she forgot</p> <p>13 her cell phone and she went up to the house</p> <p>14 to get it. Daniel and I sat down on the</p> <p>15 stairs and waited for her.</p> <p>16 Q. As far as you know, did she get</p> <p>17 it?</p> <p>18 A. As far as I know, I believe she</p> <p>19 did. I think Daniel sent her a -- Daniel</p> <p>20 called her -- Daniel called it to see if it</p> <p>21 was in her bag. It wasn't. She went</p> <p>22 upstairs to get it. So, I mean, that'll tell</p> <p>23 you when they left my dock, because they left</p>

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1 within five minutes after that phone call.

2 Q. Do you remember how the two of

3 them were dressed that night when they left?

4 A. Couldn't tell you.

5 Q. Do you know a person named Joseph

6 Newman?

7 A. No, sir.

8 Q. How did you first learn about

9 this terrible tragedy where Alya lost her

10 life?

11 A. I believe the next morning, I had

12 a Facebook message from Daniel's brother.

13 Q. Do you remember what it said?

14 A. Not specifically, no.

15 Q. Were you told that it happened

16 close to midnight?

17 A. I believe I recall someone saying

18 that. I couldn't tell you who.

19 Q. Now, from your recollection,

20 especially the statement which you wrote,

21 Exhibit 1, which is pretty close in time to

22 when this happened, you indicated that they

23 probably left your parents' place by 10:00

Page 26

1 o'clock?

2 A. To be honest with you, I don't

3 recall specific times, but, like I said, if

4 you want to know that, you can look at the

5 cell phone record. Whenever that call was

6 made, that's -- they left within five or ten

7 minutes of that.

8 Q. You're talking about the one

9 where Daniel called Alya's cell phone?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes, sir. I'm sorry. Excuse me.

13 Q. That's all right.

14 Are you familiar now with where

15 the Sea-Doo hit this dock?

16 A. No, sir.

17 Q. Let me show you what is marked as

18 Plaintiff's Exhibit 11 to Daniel Snyder's

19 deposition. Does that look familiar to you?

20 A. Yes, sir.

21 Q. Do you know whose property that

22 is?

23 A. No, sir.

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1 Q. Have you been in that area of the

2 lake before on water?

3 A. Yes, sir.

4 Q. How far is that from your

5 parents' lake house?

6 A. It's between there and Ryan Creek

7 Marina. So, less than five minutes.

8 Q. Do you think that if you left

9 your parents' lake house by boat or Sea-Doo

10 and were headed to Ryan's Creek Marina where

11 Daniel moored his Sea-Doo, you would go by

12 this location that's shown in Exhibit 11?

13 A. Yes.

14 Q. See, he told me you would not.

15 I'm trying to figure out why he would say

16 that.

17 A. I mean, first of all, you're

18 showing me a picture of the lake. I mean, it

19 could be anywhere. But, in my opinion, I

20 think this is the point. I know that green

21 boat right there, just right around that

22 curve is the marina right there (indicating).

23 THE WITNESS: Isn't it?

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1 MR. KNIGHT: (Counsel nods head.)

2 Q. (BY MR. HENINGER) Ryan's Creek

3 Marina?

4 A. Uh-huh.

5 Q. Is that a yes?

6 A. Yes. Excuse me.

7 Q. Let me see if these other

8 pictures help you at all. There's Number 12

9 from the Snyder deposition, 13. Do you still

10 think it looks familiar to you?

11 A. I don't recognize that dock, no.

12 That's a different dock than what you showed

13 me.

14 Q. It's a different dock?

15 A. Yeah.

16 Q. But it's near the one I showed

17 you in Number 11?

18 A. I don't recognize that dock. I

19 couldn't tell you what it's near.

20 Q. How about that one, which is

21 Exhibit 14 to Snyder's deposition?

22 A. I don't recognize that dock.

23 Q. Do you know Billy Cosper that

<p style="text-align: right;">Page 29</p> <p>1 worked at the marina?</p> <p>2 A. No, sir.</p> <p>3 Q. Well, do you have any information</p> <p>4 that can shed any light for us on how Daniel</p> <p>5 went from around 10:00 o'clock leaving your</p> <p>6 parents' lake house and being at this</p> <p>7 location that you're familiar with in Exhibit</p> <p>8 11 at midnight?</p> <p>9 A. I do not. I haven't seen or</p> <p>10 spoken to Daniel -- I take that back. I saw</p> <p>11 him out in public at a football game and</p> <p>12 wouldn't speak to him. But I haven't spoken</p> <p>13 to him since that night when I walked away</p> <p>14 and they were putting on life jackets. So, I</p> <p>15 couldn't tell you what he did after he left</p> <p>16 my dock.</p> <p>17 Q. You don't know and no one has</p> <p>18 given you any information on what was going</p> <p>19 on during that two-hour period?</p> <p>20 A. No, sir, nobody's ever told me</p> <p>21 anything.</p> <p>22 Do you mind if I stand up? I've</p> <p>23 got a back injury.</p>	<p style="text-align: right;">Page 31</p> <p>1 happened?</p> <p>2 A. I told you the last time I talked</p> <p>3 to him.</p> <p>4 Q. And you told me his brother was</p> <p>5 the one that texted you about the collision?</p> <p>6 A. Yes.</p> <p>7 Q. In that text, did he let you know</p> <p>8 there was a death?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you have any reason to hide</p> <p>11 any information for Daniel Snyder's benefit?</p> <p>12 A. No, sir, not at all.</p> <p>13 Q. He has never indicated to you</p> <p>14 that he wishes he had taken your advice and</p> <p>15 let you drive him home?</p> <p>16 A. I've already told you several</p> <p>17 times, the last time I spoke to him was on</p> <p>18 the dock that night, so, no.</p> <p>19 Q. Have you talked to his brother?</p> <p>20 A. I spoke to him that next day. I</p> <p>21 may -- it was three years ago. I may have</p> <p>22 spoken to him the next following day or</p> <p>23 something, but I don't recall the</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. No problem. I'm almost finished,</p> <p>2 too. I'm just trying to find something to</p> <p>3 help you know the location.</p> <p>4 Did you know the investigator</p> <p>5 that took your statement that is Exhibit</p> <p>6 Number 1?</p> <p>7 A. What was his name?</p> <p>8 Q. It may have been Sweatman or</p> <p>9 Jonathan Newbanks.</p> <p>10 MR. KNIGHT: John Williams was</p> <p>11 the conservation guy. The investigator with</p> <p>12 the sheriff's office that was with him was</p> <p>13 Scott Clay.</p> <p>14 Q. (BY MR. HENINGER) Have you ever</p> <p>15 spoken with anyone that was at the property</p> <p>16 where the collision occurred about what they</p> <p>17 saw that night?</p> <p>18 A. No, sir.</p> <p>19 Q. Has anyone told you --</p> <p>20 A. No, sir.</p> <p>21 Q. -- what they saw?</p> <p>22 Have you received any text</p> <p>23 messages from Daniel Snyder since this</p>	<p style="text-align: right;">Page 32</p> <p>1 conversation.</p> <p>2 Q. Well, even if you don't recall</p> <p>3 the specifics, did it seem to you that he had</p> <p>4 any information on what had happened?</p> <p>5 A. I don't recall. I don't -- I</p> <p>6 don't know.</p> <p>7 Q. Have you spoken to his parents?</p> <p>8 A. No, sir.</p> <p>9 Q. Anyone else in his family?</p> <p>10 A. Like I said, it's been three</p> <p>11 years ago. I don't know if his dad -- it</p> <p>12 seems like I may have spoken to his dad on</p> <p>13 the phone, but I don't recall any of the</p> <p>14 conversation.</p> <p>15 Q. I asked Daniel at his deposition</p> <p>16 about what lights he had on that Sea-Doo, and</p> <p>17 what he told me was -- I'm going to read it</p> <p>18 to you.</p> <p>19 Question: Did the Sea-Doo have</p> <p>20 headlights on it?</p> <p>21 Answer: No.</p> <p>22 Question: Did it have any</p> <p>23 lights?</p>

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1 Answer: It did have a suction
2 cup light that I would put on there at night.
3 Question: Did you keep that in
4 like a console?
5 Answer: Yes. And that was the
6 red and green light.
7 And I think this photograph
8 Number 10 is supposed to show it, and he
9 confirmed that. Does that look familiar to
10 you? That's Exhibit 10 --
11 A. It does.
12 Q. -- to his deposition.
13 That's what you were talking
14 about being the red and green light, right?
15 A. Yes, sir.
16 Q. Then, he said that Exhibit 9 to
17 his deposition is the all around three sixty
18 light that you mentioned earlier could be
19 held. Does that look familiar to you?
20 A. Yes, it does. I said a Coleman
21 camp light, but I just remember a three
22 hundred and sixty degree light.
23 Q. And I asked him what was the

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1 purpose of that, and he said it -- that's
2 just facing up so other boats can see you.
3 And I said, it's not used to illuminate your
4 path? And he said, no. These are the lights
5 that the state requires to be out at night as
6 far as I know.
7 Do you know if there's any law
8 that's any different than that?
9 A. Not to my knowledge.
10 Q. Have you operated a light like
11 this on the water with a boat or Sea-Doo
12 before?
13 A. I've never been on a Sea-Doo at
14 night, no, sir.
15 Q. So, I take it, you wouldn't know
16 if that type light shown in Exhibit 9 in his
17 deposition gives any light for your pathway
18 as opposed to just being ambient lighting
19 that alerts others that you're out on the
20 water?
21 A. What was the question?
22 Q. Do you know if that light
23 projects any light forward for your pathway?

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1 A. I've never held that light. I
2 don't know. But, in my opinion, no, it's
3 just an illumination. It's a marker that
4 people can see you. That's why it's got to
5 be three hundred and sixty degrees.
6 Q. So, it doesn't help you see, it
7 helps other people see you?
8 A. Correct.
9 MR. HENINGER: That's all I have.
10
11 EXAMINATION BY MR. WOLTER:
12
13 Q. Hunter, I'm Danny Wolter, and I
14 represent Daniel Snyder and just have very
15 few questions.
16 You don't know who was driving
17 the Sea-Doo when they left your dock that
18 night, correct?
19 A. Correct.
20 Q. And you obviously don't know who
21 was driving the Sea-Doo when this unfortunate
22 accident happened, do you?
23 A. Correct.

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1 Q. And nobody has given you an
2 opinion as to who was driving the Sea-Doo at
3 the time of the accident, have they?
4 A. No, sir.
5 MR. WOLTER: That's all I have.
6 Thank you.
7 THE WITNESS: All right. Thank
8 you.
9 MR. HENINGER: Thanks.
10 FURTHER DEPONENT SAITH NOT.
11
12
13
14
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17
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22
23

Page 37

1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 JEFFERSON COUNTY)

5 I hereby certify that the above

6 and foregoing deposition was taken down by me

7 in stenotype, and the questions and answers

8 thereto were transcribed by means of

9 computer-aided transcription, and that the

10 foregoing represents a true and correct

11 transcript of the testimony given by said

12 witness upon said hearing.

13 I further certify that I am

14 neither of counsel, nor of kin to the parties

15 to the action, nor am I an anywise interested

16 in the result of said cause.

17

18 s/s Michelle L. Parvin

19 MICHELLE L. PARVIN

20 Certified Court Reporter

21 License Number 126

22 Commission expires 9/30/17

23 Notary Public expires 1/26/18



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

ALBINA	AGDASOVNA	
SHARIFULLINA, DECEASED MARINA)		
STE,		
Plaintiff,)	
)	
V.)	Case No.: CV-2016-900001.00
)	
SNYDER DANIEL B.,)	
WHITLOCK JEFFREY HOWARD,)	
WHITLOCK JEFFREY HUNTER,)	
Defendants.)	

ORDER

Defendants', JEFFREY HOWARD WHITLOCK and JEFFREY HUNTER WHITLOCK, Motion for Summary Judgment is set on May 22, 2019, Civil Motion Docket at 9:00 a.m. The attorneys shall provide this Court with hard copies of Motions, Briefs (up to 20 pages), and arguments in support thereof, and any exhibits which are essential to support the argument no later than May 15, 2019.

DONE this 6th day of February, 2019.

/s/ MARTHA E. WILLIAMS
CIRCUIT JUDGE

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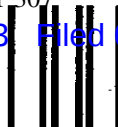
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IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
Who sues as Administrator and)
Personal Representative of the Estate of)
ALBINA AGDASOVNA)
SHARIFULLINA, Deceased,)
))
Plaintiff,)
))
v.)
))
DANIEL B. SNYDER,)
))
Defendant.)

Case No.: CV 16-900001

NOTICE TO CLERK OF FILING DISCOVERY

TO: Circuit Clerk of Cullman County
Cullman County Courthouse

Please take notice that the following discovery document has been filed on behalf of
defendant:

(X) Deposition Re-Notice-Trooper John Williams

/s/ Daniel S. Wolter
Daniel S. Wolter (WOL012)
Attorney for Daniel B. Snyder

OF COUNSEL:

Daniel Wolter Law Firm, LLC
402 Office Park Drive, Ste 100
Birmingham, Alabama 35223
(205) 983-6440 Telephone
(205) 983-6334 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2019 the foregoing was electronically filed with the Clerk of this Court using the Court's electronic system, which will send notification of such filing to the following:

Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

David R. Wells
MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203

/s/ Daniel S. Wolter
OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGGE,)
Who sues as Administrator and)
Personal Representative of the Estate of)
ALBINA AGDASOVNA)
SHARIFULLINA, Deceased,)
))
Plaintiff,)
))
v.)
))
DANIEL B. SNYDER,)
))
Defendant.)

Case No.: CV 16-900001

RULE 30 (B)(5) RE-NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

Please take notice that at the time, date and place indicated below, the defendant will take the testimony by deposition upon oral examination of that party named. Such deposition shall be taken for the purpose of discovery or for use as evidence in this action pursuant to the Alabama Rules of Civil Procedure and shall be taken before a certified court reporter and notary public, or some other person who is authorized to administer oaths under the laws of the State of Alabama. The oral examination will continue from time to time until completed.

DATE: April 4, 2019

TIME: 10:00 a.m.

DEPONENT: Trooper John Williams

PLACE: PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

Daniel Snyder request the following documents be produced at the deposition:

1. Any and all documents, correspondence or reference of any type you have in your possession relating to Albina Sharifullina, Daniel Snyder, or the accident in which Sharifullina was killed on July 6, 2014.
2. Any and all documents, correspondence or reference of any type you have in your possession relating to plaintiff lawyer's firm and correspondence relating to plaintiff lawyer's firm.
3. Any and all reports prepared by you relating to any opinions you intend to give at the trial.
4. Any and all books, manuals, procedures and policies you reviewed in preparation of your opinion.
5. A listing of all cases in which you have provided expert testimony of any kind including deposition testimony or trial testimony.
6. A listing of all attorneys that have ever retained you to provide an expert opinion of any kind including deposition testimony or trial testimony.
7. A copy of the autopsy report relating to Albina Sharifullina.
8. All documents, photographs or items of any type that you reviewed or that you relied upon in reaching your opinions.
9. Your entire investigative file relating to the accident involved in this case.
10. Any recordings of any witness statements taken in your investigation of the accident at issued in this case.

/s/Daniel S. Wolter

Daniel S. Wolter (WOL012)
Attorney for Daniel B. Snyder

OF COUNSEL:

Daniel Wolter Law Firm, LLC
402 Office Park Drive, Ste 100
Birmingham, Alabama 35223
(205) 983-6440 Telephone
(205) 900-8095 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2019, the foregoing was electronically filed with the Clerk of this Court using the Court's electronic system, which will send notification of such filing to the following:

Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway, Suite 300
Birmingham, Alabama 35216

David R. Wells
MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203

/s/ Daniel S. Wolter
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)
Plaintiff,)
v.)
DANIEL B. SNYDER, et al.,)
Defendants.)

CIVIL ACTION NO.
CV-2016-900001

NOTICE OF SERVICE OF DISCOVERY DOCUMENT

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased,** and gives notice of serving the following discovery document on all counsel of record in the above-captioned lawsuit:

☒ Plaintiff's Notice of Deposition of Lieutenant Daniel Cummings.

/s/ Kendall A. Lee

Mark W. Lee (LEE003)
 Kendall A. Lee (LEE091)
 Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 27th day of February, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

Daniel S. Wolter, Esq.
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

/s/ Kendall A. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

**PLAINTIFF'S NOTICE OF DEPOSITION
OF LIEUTENANT DANIEL CUMMINGS**

TO: David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203

Daniel S. Wolter, Esq.
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Alabama Rules of Civil Procedure, Plaintiff Marina Stewart-Magee, by and through her attorneys, Mark W. Lee and Kendall A. Lee, will take the deposition upon oral examination of Lieutenant Daniel Cummings for the purpose of discovery and/or for use as evidence in the above-captioned lawsuit.

Deponent's Name: Lieutenant Daniel Cummings

Date: April 10, 2019

Time: 10:00 a.m.

Location: Cullman County Sheriff's Office
1910 Beech Ave SE

Cullman, Alabama 35055

Court Reporter: Freedom Reporting

/s/ Kendall A. Lee

MARK W. LEE (LEE003)

KENDALL A. LEE (LEE091)

Attorneys for Plaintiff

MARINA STEWART-MAGEE

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 27th day of February, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

David R. Wells, Esq.

WHITAKER, MUDD, LUKE & WELLS, LLC

2011 4th Avenue North

Birmingham, Alabama 35203

dwells@wmslawfirm.com

Daniel S. Wolter, Esq.

DANIEL WOLTER LAW FIRM, LLC

402 Office Park Drive, Suite 100

Birmingham, Alabama 35223

dwolter@wolterlawfirm.com

/s/ Kendall A. Lee

OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)
Plaintiff,)
v.)
DANIEL B. SNYDER, et al.,)
Defendants.)

CIVIL ACTION NO.
CV-2016-900001

NOTICE OF SERVICE OF DISCOVERY DOCUMENT

Comes now the Plaintiff, **MARINA STEWART-MAGEE, as Administrator and Personal Representative of the ESTATE OF ALBINA AGDASOVNA SHARIFULLINA, deceased,** and gives notice of serving the following discovery document on all counsel of record in the above-captioned lawsuit:

☒ Plaintiff's Notice of Deposition of Marilyn Whitlock.

/s/ Kendall A. Lee

Mark W. Lee (LEE003)
 Kendall A. Lee (LEE091)
 Attorneys for Plaintiff

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 4th day of March, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile system which will send notification of such filing to the following:

David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

Daniel S. Wolter, Esq.
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

/s/ Kendall A. Lee
OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
as Administrator and Personal)
Representative of the ESTATE)
OF ALBINA AGDASOVNA)
SHARIFULLINA, deceased,)

Plaintiff,)

v.)

DANIEL B. SNYDER, et al.,)

Defendants.)

CIVIL ACTION NO.
CV-2016-900001

NOTICE OF DEPOSITION OF MARILYN WHITLOCK

TO: David R. Wells, Esq.
 WHITAKER, MUDD, LUKE & WELLS, LLC
 2011 4th Avenue North
 Birmingham, Alabama 35203

Daniel S. Wolter, Esq.
 DANIEL WOLTER LAW FIRM, LLC
 402 Office Park Drive, Suite 100
 Birmingham, Alabama 35223

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Alabama Rules of Civil Procedure, Plaintiff Marina Stewart-Magee, by and through her attorneys, Mark W. Lee and Kendall A. Lee, will take the deposition upon oral examination of Marilyn Whitlock for the purpose of discovery and/or for use as evidence in the above-captioned lawsuit.

Deponent's Name: Marilyn Whitlock

Date: March 22, 2019

Time: 10:00 a.m.

Location: Cullman County Courthouse
 500 2nd Ave SW, Room 306
 Cullman, Alabama 35055

Court Reporter: Freedom Reporting

/s/ Kendall A. Lee

MARK W. LEE (LEE003)

KENDALL A. LEE (LEE091)

Attorneys for Plaintiff

MARINA STEWART-MAGEE

OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.

600 Vestavia Parkway, Suite 300

Birmingham, Alabama 35216

Telephone: (205) 326-6600

Facsimile: (205) 324-7097

mlee@pljpc.com

klee@pljpc.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 4th day of March, 2019, electronically filed the foregoing pleading with the Clerk of the Court using the AlaFile electronic filing system, and have served a copy of the foregoing pleading by placing the same in the United States Mail, properly addressed and first class postage prepaid to the following:

Ms. Marilyn Whitlock (via U.S. mail only)
2250 Beaver Creek Road
Columbiana, Alabama 35051

David R. Wells, Esq.
WHITAKER, MUDD, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, Alabama 35203
dwells@wmslawfirm.com

Daniel S. Wolter, Esq.
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive, Suite 100
Birmingham, Alabama 35223
dwolter@wolterlawfirm.com

/s/ Kendall A. Lee

OF COUNSEL



IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)
As Administrator and Personal)
Representative of the ESTATE OF)
ALBINA AGDASOVNA)
SHARFIFULLINA, deceased,)
)
Plaintiff,)
)
v.)
)
DANIEL B. SNYDER, *et al.*)
)
Defendant.)

Civil Action No.: CV 2016-900001

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

COME NOW the Defendants, Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock, by and through counsel, and gives notice to the Clerk of this Court that the following discovery documents have been served upon opposing counsel in the above-styled cause.

1. Defendant Jeffrey Howard Whitlock's Responses to Plaintiff's Interrogatories;
2. Defendant Jeffrey Howard Whitlock's Responses to Plaintiff's Request for Production;
3. Defendant Jeffrey Hunter Whitlock's Responses to Plaintiff's Interrogatories; and
4. Defendant Jeffrey Hunter Whitlock's Responses to Plaintiff's Request for Production.

/s/ David R. Wells

DAVID R. WELLS (WEL016)

Attorney for the Defendants,

Jeffrey Howard Whitlock and Jeffrey Hunter Whitlock

OF COUNSEL:

MUDD, BOLVIG, LUKE & WELLS, LLC
2011 4th Avenue North
Birmingham, AL 35203
(205) 639-5300
(205) 639-5350 *facsimile*
dwells@wmslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a complete copy of the foregoing instrument upon the following attorney of record via the electronic ALAFILE system, on this 8th day of March, 2019.

Mark W. Lee
Kendall A. Lee
PARSONS, LEE & JULIANO, P.C.
600 Vestavia Parkway
Suite 300
Birmingham, AL 35216
(205) 326-6600
mlee@pljpc.com
klee@pljpc.com

Daniel S. Wolter
DANIEL WOLTER LAW FIRM, LLC
402 Office Park Drive
Suite 100
Birmingham, AL 35223
dwolter@wolterlawfirm.com

/s/ David R. Wells
OF COUNSEL

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

MARINA STEWART-MAGEE,)	
As Administrator and Personal)	
Representative of the ESTATE OF)	
ALBINA AGDASOVNA)	
SHARFIFULLINA, deceased,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: CV 2016-900001
)	
DANIEL B. SNYDER, <i>et al.</i>)	
)	
Defendant.)	

**DEFENDANT JEFFREY HOWARD WHITLOCK'S RESPONSE TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

COMES NOW, the Defendant, Jeffrey Howard Whitlock, and for Response to the Plaintiff's First Set of Interrogatories, states as follows:

GENERAL OBJECTIONS

This Defendant objects to the instructions and the definitions made a part of the Plaintiff's Interrogatories to this Defendant. This Defendant does not agree to comply with the Plaintiff's instructions or definitions to the extent that those impose a greater burden or conflict with the requirements of the *Alabama Rules of Civil Procedure*. This Defendant will respond to this discovery in accordance with the applicable *Alabama Rules of Civil Procedure* and not instructions or definitions imposed by the Plaintiff's attorney.

1. State your full name, date of birth, current residential address, and social security number.

RESPONSE: Jeffrey Howard Whitlock; 9-11-52; 2250 Beaver Creek Road, Columbiana, Alabama 35051; XXX-XX-2541.

2. State the name, telephone number, and last known address of each and every person who visited your lake home on Saturday, July 5, 2014.

RESPONSE: This Defendant objects to this Interrogatory on the basis it is overly broad, unduly burdensome, not limited in time or scope, and seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of evidence admissible at the trial of this case. Without waiving said objection, the Defendant states he does not know the phone number and address of the individuals who were at his lake home on Saturday, July 5, 2014. However, the following are the individuals he recalls being there: This Defendant's wife, Hunter Whitlock, Hollace Whitlock, Haylie Henley, Nick Sproul and his girlfriend, Matthew Devine, Jackson Abram, Chad Henley, Aaron Friece, Jug Twit and his girlfriend, Jug Twit's girlfriend's daughter and her husband and children, Daniel Snyder and Albina Sharifullina.

3. State the name, telephone number, and last known address of every person who was inside your lake home when Defendant Daniel B. Snyder and Albina ("Alya") Sharifullina departed your dock on Daniel Snyder's SeaDoo shortly after midnight on Sunday, July 6, 2014.

RESPONSE: I am not sure who was inside my home when Daniel Snyder and Albina Sharifullina left my home on Saturday, July 5, 2014.

4. State the name, telephone number, and last known address of every person who was on your lake home property when Defendant Daniel B. Snyder and Albina ("Alya") Sharifullina departed your dock on Daniel Snyder's SeaDoo shortly after midnight on Sunday, July 6, 2014.

RESPONSE: I do not know who was still was on my property when Daniel Snyder and Albina Sharifullina left my home on Saturday, July 5, 2014.

5. State the name, telephone number, and last known address of each and every person known to you, your agents, and/or your attorneys who have knowledge or claim to have knowledge of the events described in the Plaintiff's original Complaint and First Amended Complaint.

RESPONSE: This Defendant objects to this Interrogatory on the basis it is overly broad, unduly burdensome, not limited in time or scope, and seeks information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of evidence admissible at the trial of this case. This Defendant further objects to this Interrogatory to the extent it seeks information invasive of the attorney-client privilege and work product doctrine. Without waiving said objection, the Defendant states he is not certain who may have knowledge of the events described in the Plaintiff's Complaint or Amended Complaint, other than the parties to this litigation and individuals at home, assuming they were still present.

6. Please identify every cell phone number and provider that you had on July 5, 2014. For each account, provide the cell phone number, the cell phone provider, the type of cell phone (e.g., iPhone 3, iPhone 4, Galaxy S, etc.), and state whether the account is still active.

RESPONSE: AT&T, iPhone, (205) 531-3000, active.

7. Please identify every cell phone number and provider that your spouse, Marilyn Whitlock, had on July 5, 2014. For each account, provide the cell phone number, the cell phone provider, the type of cell phone (e.g., iPhone 4, iPhone 5, Galaxy S, etc.), and state whether the account is still active.

RESPONSE: AT&T, iPhone, (205) 601-4256 and active.

8. Describe, in specific detail, the location where Defendant Daniel B. Snyder's SeaDoo was parked at your dock in the evening hours of July 5, 2014. In responding to this

interrogatory, please identify the specific side of the dock where the SeaDoo was parked and the direction in which the SeaDoo was facing while parked. Please also state whether the SeaDoo was parked in a SeaDoo slip or boat slip.

RESPONSE: I do not know because I never saw Daniel Snyder's SeaDoo parked at the dock.

9. Did you consume or take any alcoholic beverages, drugs, or medications on July 5, 2014? If so, please identify the substance consumed and state the quantity of substance consumed, the time(s) of consumption, and the location where the consumption took place.

RESPONSE: Yes, I had three or four beers during the course of the day. I also took my prescribed blood pressure medication.

10. State whether any policy or policies of insurance (including any umbrellas or excess policies) exist which may provide coverage to you for any liability which may arise as a result of the incident described in the Plaintiff's original Complaint and First Amended Complaint and, if so, for each such policy, state the following:

- (a) The name and address of the insurer;
- (b) The policy number;
- (c) The amount of liability insurance coverage afforded by each such policy;
- (d) The name and address of each and every named insured under such policy; and
- (e) Whether any such insurer is defending you in this matter under a reservation of rights.

RESPONSE: Produced.

11. Have you ever been involved in any personal injury and/or wrongful death claims or lawsuits? If so, state the nature of the claim or lawsuit, including the time and place of the